



TO: Denver Planning Board
FROM: Francisca Peñafiel, Senior City Planner
DATE: October 26, 2022
RE: Official Zoning Map Amendment Application #2022I-00056

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00056.

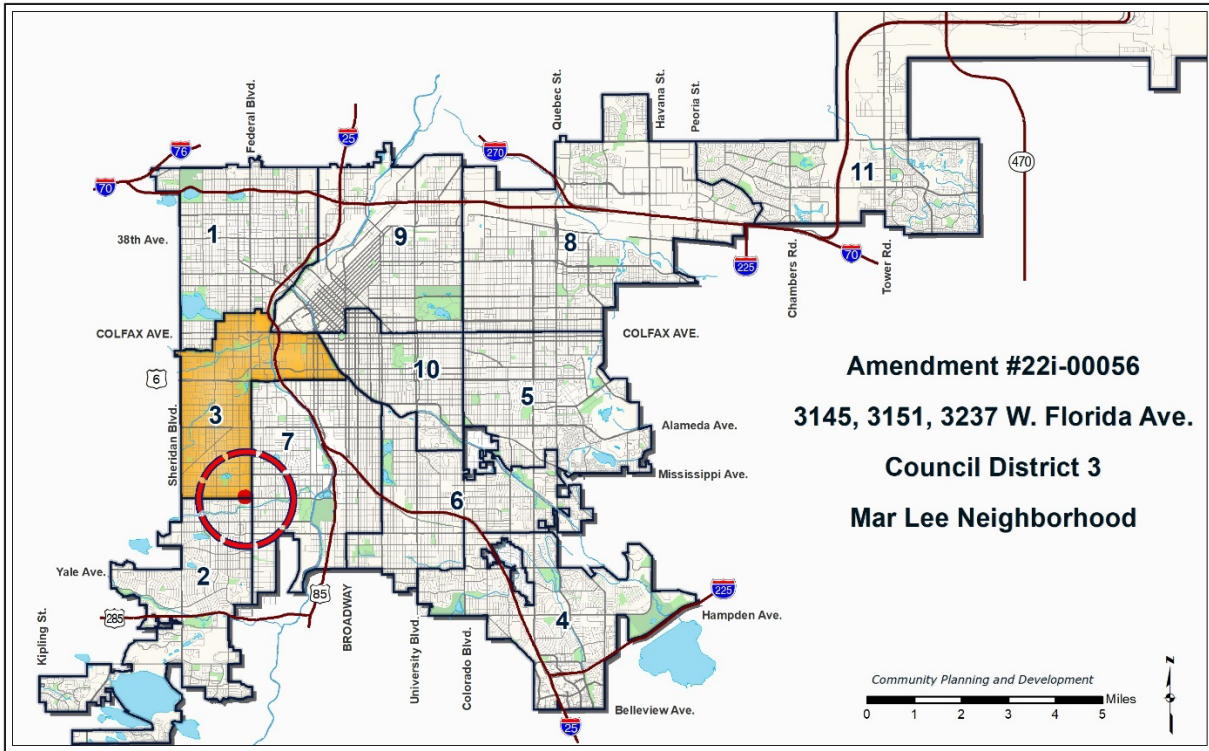
Request for Rezoning

Address: 3237, 3145, 3151 & 3155 West Florida Avenue
Neighborhood/Council District: Mar Lee / Council District 3 – Jamie Torres
RNOs: Inc., Inter-Neighborhood Cooperation (INC), South Mar Lee/Brentwood/Sharon Park Neighbors, Far East Center, Strong Denver
Area of Property: 116,685 square feet or 2.67 acres
Current Zoning: S-SU-D and PUD 611
Proposed Zoning: S-MU-3
Property Owner(s): Florina Silvas
Property Representative: Nanci Kerr

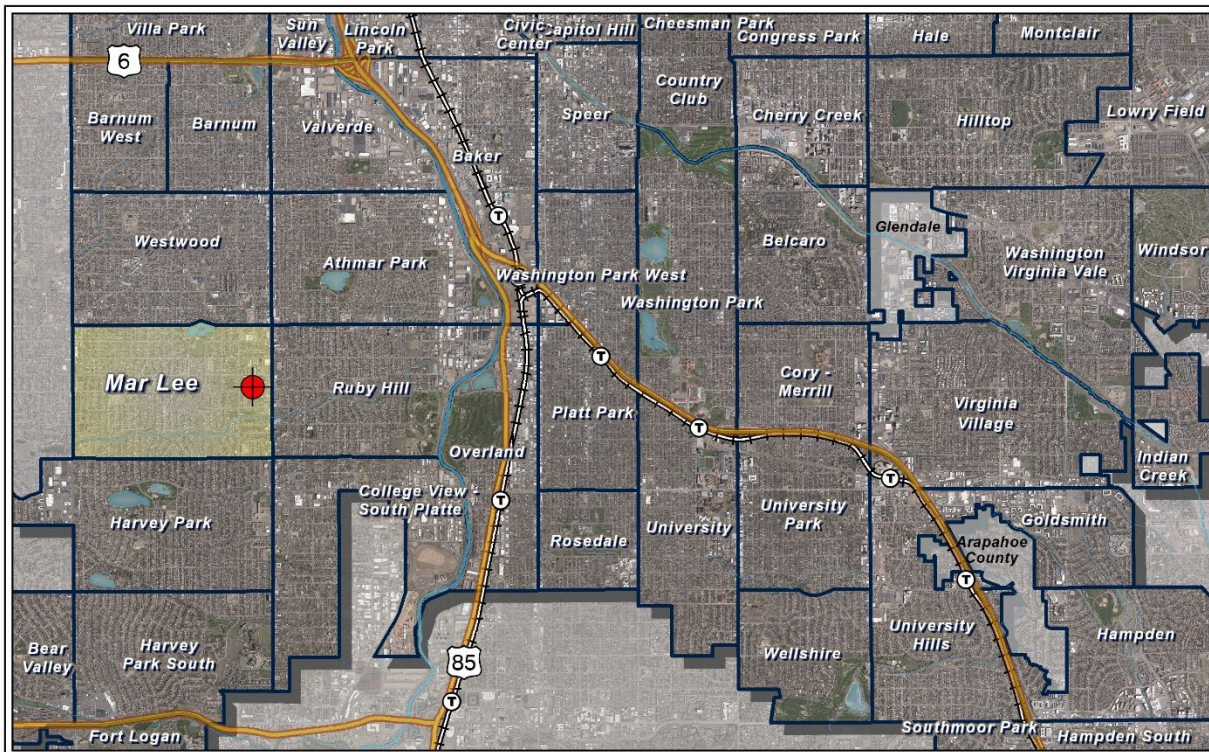
Summary of Rezoning Request

- The subject properties are located in the Mar Lee statistical neighborhood between South Federal Boulevard and South Irving Street along West Florida Avenue.
- While the application contains four different addresses, there are only three parcels, as 3151 and 3155 West Florida Avenue are related to the same parcel.
- The properties at 3145, 3151 and 3155 West Florida Avenue are currently zoned PUD 611, which is a Former Chapter 59 custom zone district. They are occupied by three buildings that are currently used as a Child Care Center. The property at 3137 West Florida Avenue is currently zoned S-SU-D and occupied by a single-unit home. All three parcels are owned by the same property owner.
- The applicant is requesting this rezoning to expand the Day Care Center Use and to bring the properties currently zoned PUD 611 into the Denver Zoning Code.
- The proposed zone district, S-MU-3 (**S**uburban **M**ulti-**U**nit – **3** stories) allows for primarily residential uses in the suburban house, duplex, row house and apartment building forms up to a maximum height of three stories and 40 feet. Further details of the existing and requested zone districts can be found in Article 3 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location – Mar Lee



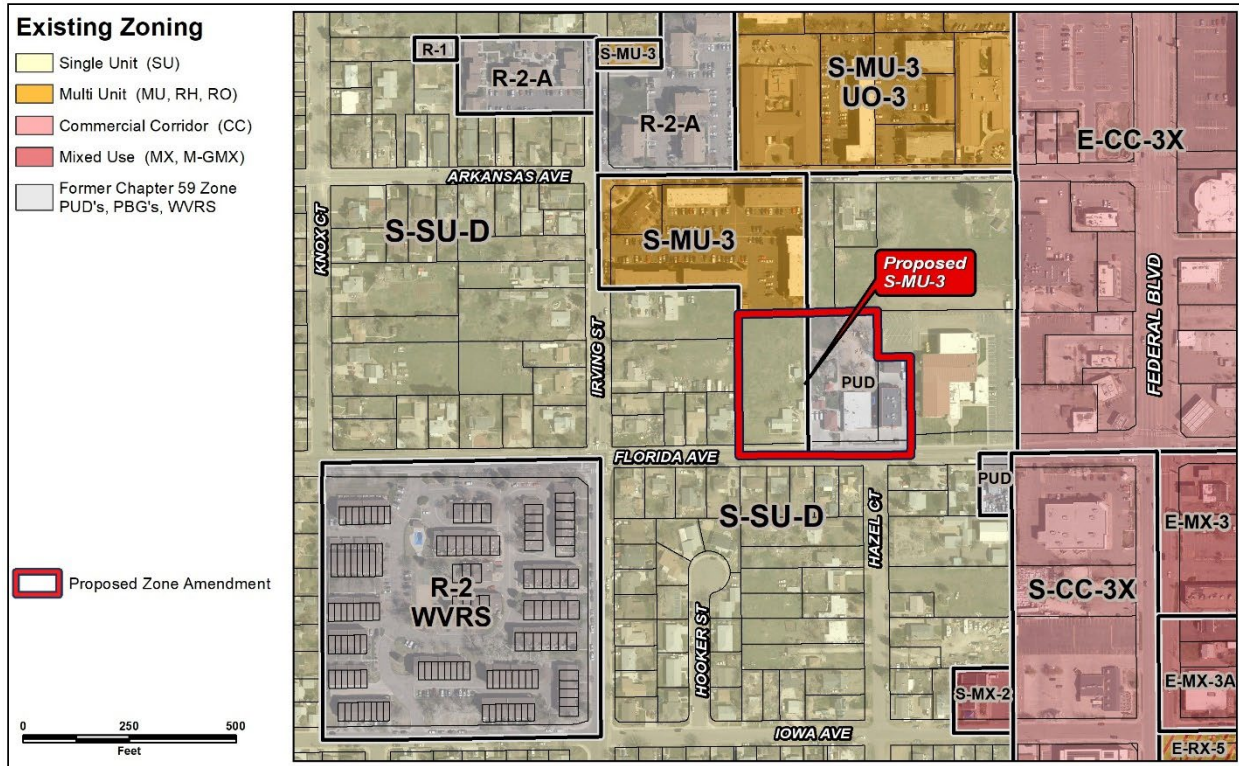
Existing Context

The subject property is in the Mar Lee statistical neighborhood, which is characterized mostly by single-unit residential uses with commercial/retail uses at the edges, along South Federal Boulevard and South Sheridan Boulevard. The subject properties are located one and a half blocks north of the Sanderson Gulch Trail and two blocks east from Charles Schenck Community School, the elementary school that serves the neighborhood. Generally, North of West Florida Avenue, there is a pattern of rectangular blocks in a street grid pattern interrupted by some multi-unit bigger parcels. South of West Florida Avenue the street grid tends to be more suburban and is interrupted by the gulch. Alleys are generally not present. RTD bus route 14 runs east-west on West Florida Avenue, with a 30-minute headway. On South Federal Boulevard 500 feet east of the site, RTD bus routes 30, 31 and 36L run north-south with a 30–60-minute headway.

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
3237 West Florida Avenue	S-SU-D	Single-unit Residential	1-story house with detached garage and surface parking in the lot. Most of the lot is vacant in the back.	Generally regular grid of streets north of West Florida Avenue, with some of the larger commercial parcels interrupting the grid. More suburban grid southwest of the subject sites. Vehicular access is generally from the street with vehicle parking in front of buildings. Alleys are generally not present.
3151 & 3155 West Florida Avenue	PUD 611	Public/Quasi-public daycare	1-story house with detached garage and surface parking	
3145 West Florida Avenue	PUD 611	Public/Quasi-public daycare	2-story brick building with playground and surface parking in the front and back.	
East	S-SU-D	Single-unit Residential	1-story house with attached garage and driveway from West Florida Avenue.	
North	S-SU-D and S-MU-3	Multi-unit /Single-unit Residential	Vacant lot/surface parking for 3-story multi-unit buildings	
West	S-SU-D	Public/Quasi-public	2-story brick church with surface parking	
South	S-SU-D	Single-unit Residential	1-story houses with driveways on West Florida Avenue	

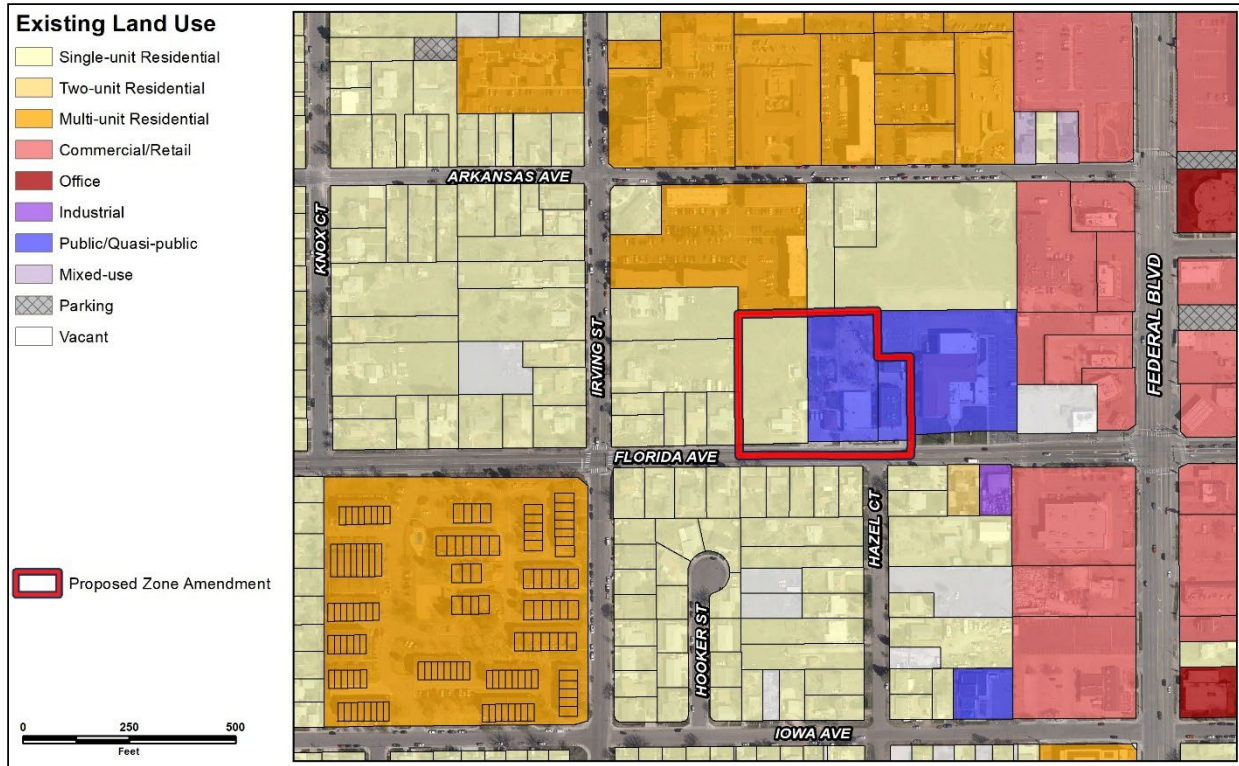
1. Existing Zoning



The existing zoning at 3237 West Florida Avenue is S-SU-D, which is a single-unit residential district in the Suburban Neighborhood Context. It allows only the Suburban House building form with a minimum zone lot area of 6,000 square feet. Lots are typically 50 feet wide. Allowed accessory building forms are the detached garage and other detached accessory structures. The maximum allowed building height for primary structures is 30 to 35 feet (depending on lot width), and setback requirements are 5 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. For additional details of the zone district, see DZC Article 3.

The existing zoning at 3155, 3151 and 3145 West Florida Avenue is PUD 611, which is a Former Chapter 59 zone district. The PUD was approved in 2008 and rezoned the properties from R-1 to PUD 611 to allow the expansion of the day care center. PUD 611 allows for a single-unit residential use or childcare use with related administrative office uses. It allows for a maximum height of 2 stories or 25 feet and requires a minimum of 24 off-street parking spaces.

2. Existing Land Use Map



3. Existing Building Form and Scale (all images from Google Maps)



3237 West Florida Avenue - View of the subject property, looking northeast.



3145, 3151 & 3155 West Florida Avenue - View of the subject properties, looking northeast.



3145, 3151 & 3155 West Florida Avenue - View of the subject properties, looking northwest.



East - View of the church east of the subject site, looking northwest on West Florida Avenue.



West - View of the properties to the west of the subject sites, looking north on West Florida Avenue.



South - View of the properties to the south of the subject sites (across West Florida Avenue).



North - View of the properties north of the subject sites, along West Arkansas Avenue.

Proposed Zoning

The **S-MU-3**, **S**uburban, **M**ulti-unit, **3**-story district is a multi-unit zone district in the suburban context. In the S-MU-3 zone district the Suburban House, Duplex, Row House and Apartment building forms are allowed primary building forms. Maximum height allowed is three stories or 40 feet. Further details of the zone district can be found in Article 3 of the Denver Zoning Code.

The design standards for the existing zone districts and the proposed zone district are summarized below.

Design Standards	Existing S-SU-D	Existing PUD 611	Proposed S-MU-3
Primary Building Forms Allowed	Suburban House	N/A	Suburban House, Duplex, Row House, and Apartment
Height in Stories / Feet (max)	2.5 stories / 30'-35'*	2 stories/25'	3 stories / 40'*
Primary Street Build-To Percentages (min)	N/A	N/A	Row House, Apartment: 50% Other forms: no build-to
Primary Street Build-To Ranges	N/A	N/A	Row House, Apartment: 0' to 80' Other forms: no build-to
Minimum Zone Lot Size/Width	6,000 sf / 50'	N/A	Suburban House: 6,000sf / 50' Duplex: 4,500sf / 37.5' Row House, Apartment: 6,000sf / 50'
Primary Street Setbacks (min)	Block sensitive or 15'**	N/A	Suburban House: Block sensitive or 15'-20' (whichever is less)** Duplex: Block sensitive or 20' (whichever is less) Row House, Apartment: 10'
Building Coverages (max)	50%	.22 FAR	Suburban House, Duplex: 50% Other forms: no max building coverage

*Standards varies between building forms

**Standards vary based on building form and zone lot width

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.

Development Services - Fire: Approved – No Response.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – See Comments Below.
After rezone, PUD will still act as Site Plan until new SDP is approved and recorded.

Development Services - Transportation: Approved – No Response.

Development Services - Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Public Works – City Surveyor: Approved – No Comments.

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:	08/30/2022
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:	10/18/2022
Planning Board Public Hearing:	11/02/2022
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:	11/14/2022 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	11/29/2022 (tentative)
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:	12/19/2022 (tentative)
City Council Public Hearing:	01/17/2023 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received any letters from RNOs.

- **Other Public Comment**
 - To date, staff has not received any comment letters from members of the public.

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 application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

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

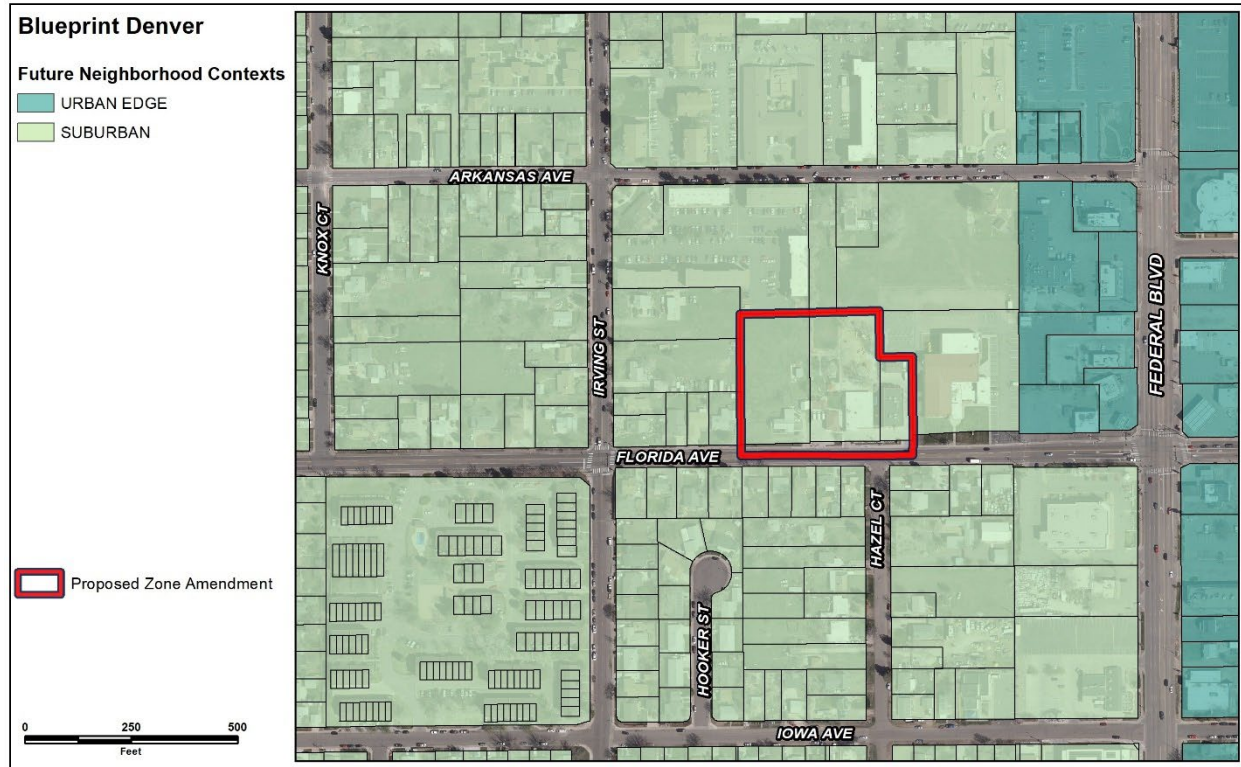
- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Environmentally Resilient Goal 8, Strategy 8 – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed use communities where residents can live, work and play in their own neighborhoods (p. 54).

The proposed map amendment will enable continued operation and expansion of an existing day care center in close proximity to transit and amenities. The S-MU-3 allows for a variety of residential building forms and includes form standards that ensure development is consistent with the surrounding neighborhood. The rezoning is consistent with Denver Comprehensive Plan 2040.

Blueprint Denver (2019)

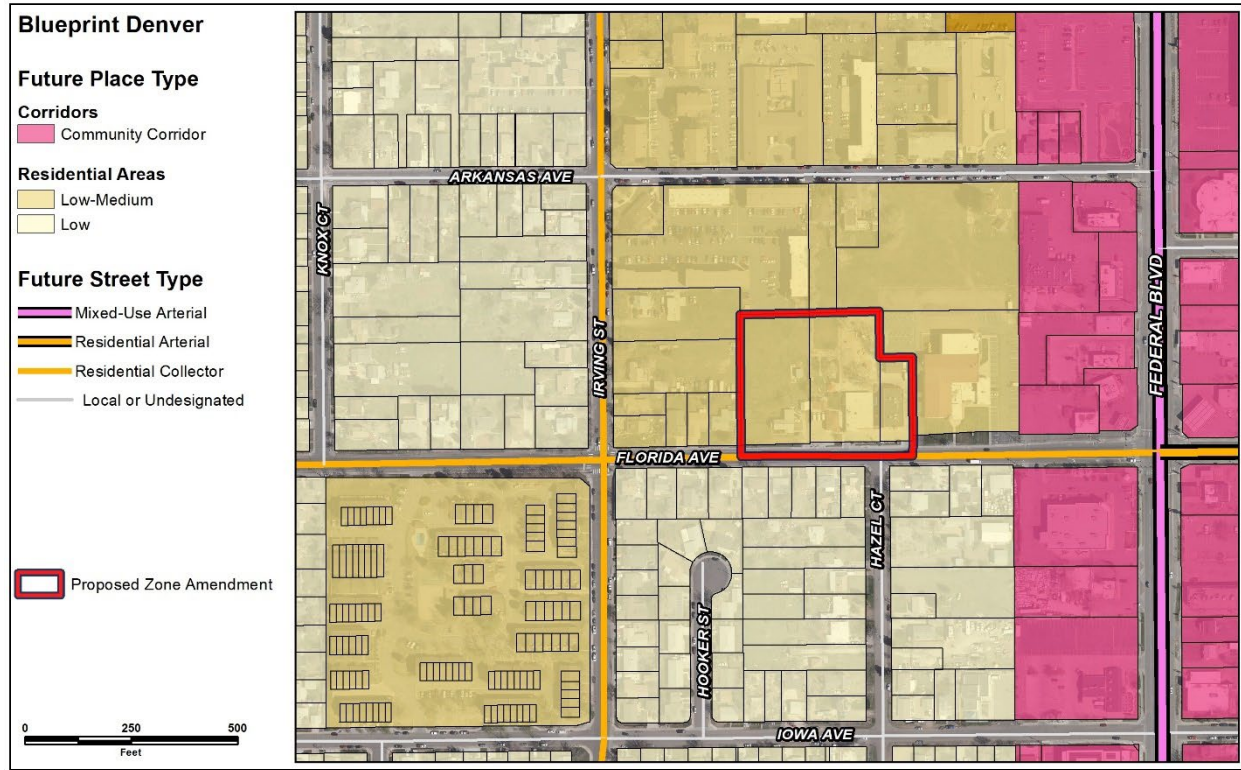
Blueprint Denver identifies the subject property as a Low Medium Residential area within the Suburban Neighborhood Context and provides guidance for the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



The subject property is within the Suburban Neighborhood Context. “The suburban context represents the most varied development in Denver’s neighborhoods. Homes in this context are largely single-unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto oriented than others, there should still be quality multimodal connectivity” (p. 185). The proposed S-MU-3 zone district is part of the Suburban context in the DZC. The residential zone districts are intended to “promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context” and “regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood” (DZC 3.2.2.1). Further, “standards of the row house and multi-unit districts promote existing and future patterns of multiple buildings on a single zone lot” (DZC 3.2.2.1). The proposed S-MU-3 district is a multi-unit district that allows a mix of residential building forms, consistent with the surrounding Suburban character. The proposed rezoning is consistent with Blueprint Denver’s context guidance.

Blueprint Denver Future Place

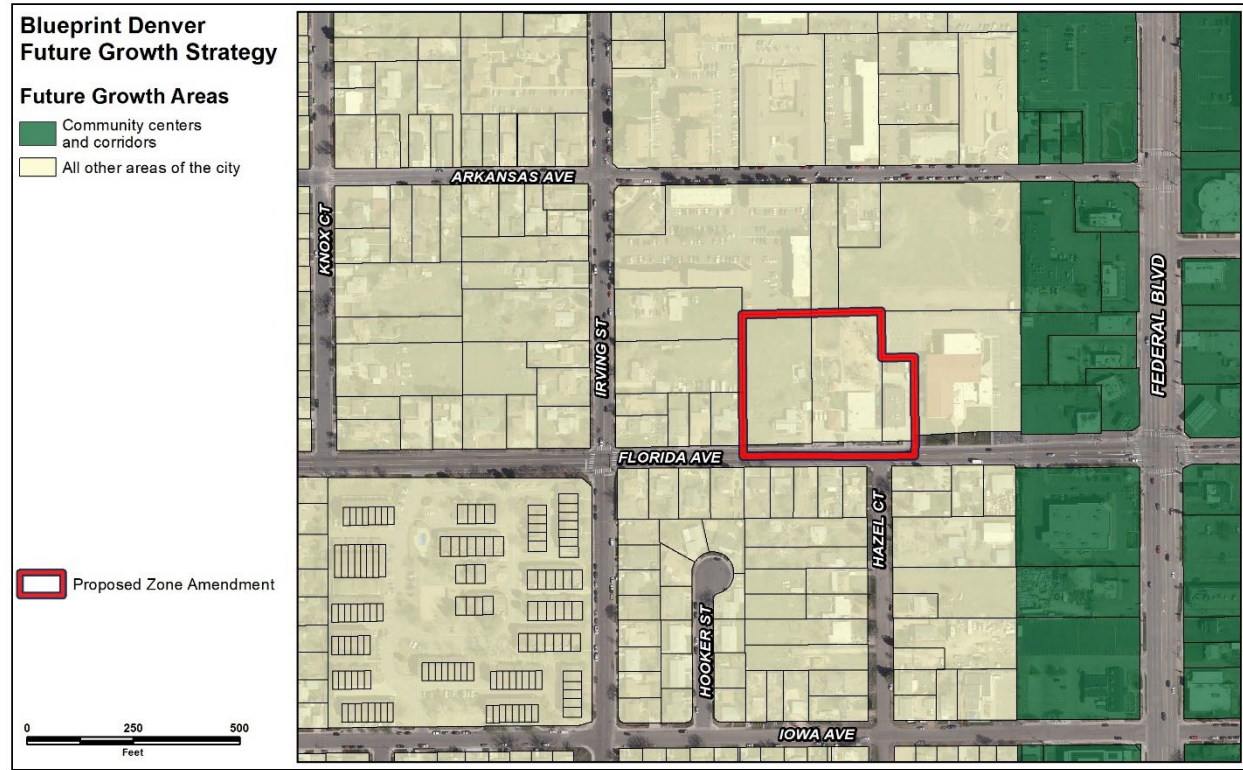


The Future Places map designates the subject property as a Low-Medium Residential Area. Blueprint Denver describes the aspirational characteristics of Low-Medium in the Urban Edge context as “a mix of low- to mid-scale multi-unit residential options...small-scale multi-unit buildings are interspersed between single- and two-unit residential....buildings are generally 3 stories or less in height” (p. 212). Consistent with this guidance, the proposed S-MU-3 district allows a mix of building forms, including suburban house, duplex, row house, and apartment. The 3-story district height is consistent with the existing and surrounding context and appropriate for the low-medium designation in this location.

Blueprint Denver Future Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies West Florida Avenue as a Residential Collector Future Street Type, which are designated as “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 160). The proposed S-MU-3 district is consistent with this description because it allows for primarily residential uses.

Blueprint Denver Growth Strategy



In Blueprint Denver, this subject property is within areas of the city that are expected to see 20% of new housing growth and 10% of new employment growth by 2040 (p. 50- 51). These areas are expected to take a smaller amount of growth than other areas of the city, and the growth is “intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to S-MU-3 will allow for multi-unit housing consistent with the existing context of the site and neighborhood. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

Former Chapter 59 and Custom Zoning

Blueprint Denver 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 from a Former Chapter 59 zone district to a DZC zone district is consistent with Blueprint Denver’s recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MU-3 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 through implementation of the city's adopted plans and applying the modern zoning regulations of the Denver Zoning Code to the subject property that is currently zoned under Former Chapter 59 zone district. Further, the proposed S-MU-3 district will provide more predictable building forms and height standards than the current Former Chapter 59 zone district.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4.c., "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: A City adopted plan." As discussed above, Blueprint Denver, adopted in 2019, clearly calls for the allowance of mid-scale multi-unit residential options.

It is also a Justifying Circumstance that "the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." Part of the subject property is currently zoned under Former Chapter 59. Therefore, rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance.

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

The requested S-MU-3 zone district is within the Suburban Neighborhood Context. This district is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Multi-unit building forms are typically separated from single-unit residential and consist of row houses and occasional mid- and high-rise apartment building forms. The proposed rezoning of this property to S-MU-3 is consistent with the neighborhood context description, and the existing improvements to the property generally conform to the expectation of low-rise apartment forms.

The requested rezoning is consistent with the General Purpose of Residential Districts because the zone district will promote and protect residential neighborhoods within the Suburban Neighborhood Context. The zone district will provide predictable building forms, allow for reinvestment in this existing development, and accommodate possible future redevelopment that furthers the district's goals (DZC 3.2.2.1).

The specific intent of the S-MU-3 is defined by DZC Section 3.2.2.2.I as follows: "S-MU- is a multi-unit district and allows suburban house, duplex, town house, garden court and apartment building forms up to 3, 5, 8, 12, 20 stories in height." The requested rezoning is consistent with the specific intent of the S-MU-3 zone district because the site and much of the immediate context are characterized by multi-unit residential uses.

Attachments

1. Application