



TO: **Denver City Council**
Christopher Herndon, President

FROM: Tim Watkins, Senior City Planner

DATE: February 25, 2016

RE: Official Zoning Map Amendment Application #2015I-00006 – 3901 - 3991 N Cook St.
Rezoning from E-SU-DX to U-RH-2.5

Staff Report and Recommendation

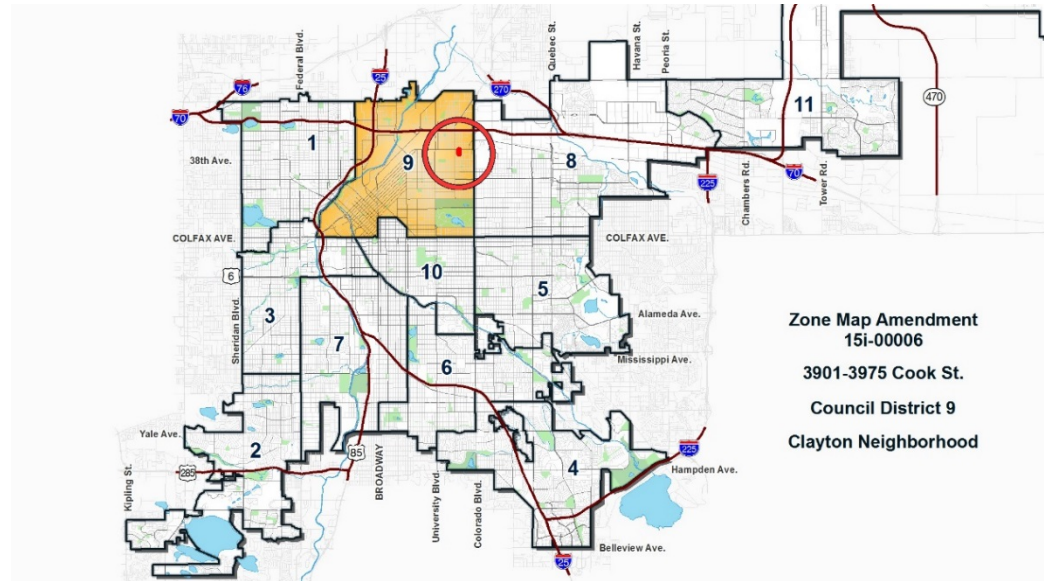
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00006 for a rezoning from E-SU-DX to U-RH-2.5 for the property located at 3901 - 3991 N Cook St.

Request for Rezoning

Application:	#2015I-00006
Address:	3901 - 3991 N Cook St.
Neighborhood/Council District:	Clayton / Council District 9
RNOs:	Clayton United Elyria Swansea/Globeville Business Association United Community Action Network Inc. The Points Historical Redevelopment Corp Inter-Neighborhood Cooperation (INC) Denver Neighborhood Association, Inc.
Area of Property:	Total: 1.72 acres
Current Zoning:	E-SU-DX
Proposed Zoning:	U-RH-2.5
Property Owner(s):	Stuart Street, LLC (Rebecca M Bell, Saba / Dullo)
Owner Representative:	Ken Gellman

Summary of Rezoning Request

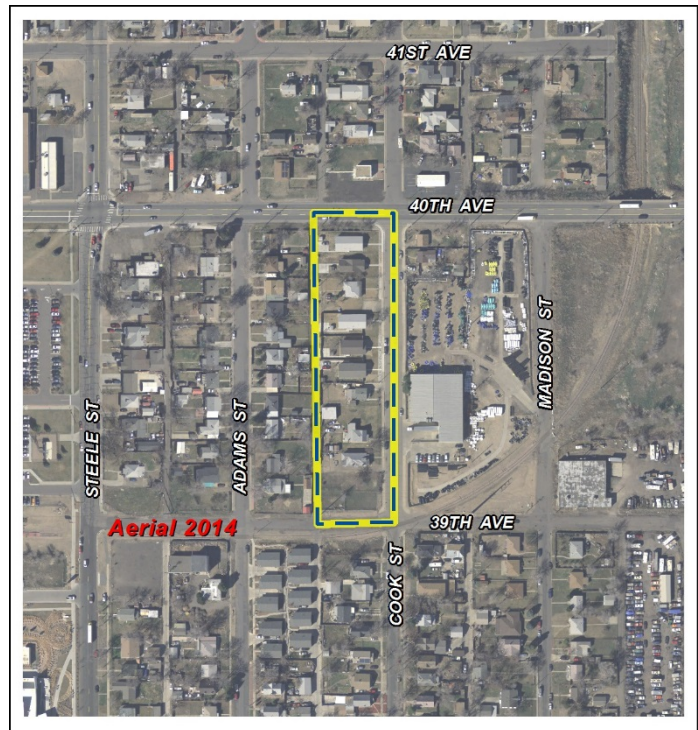
Located in north Denver in Council District 9, this residential property lies near 40th Avenue along Cook Street within a few blocks of the soon to open 40th and Colorado commuter rail station. This station will be the second stop from Downtown to DIA along the University of Colorado (A) line in 2016. The property is at the edge of a residential district that faces industrial uses on the east side of Cook Street.



The property owner seeks to rezone the property to increase the number of residential units while respecting the residential character of the block, and transitioning to industrial mixed uses east of Cook Street. The applicant owns three parcels comprising 45% of the 1.72 Ac block face at the corner of 39th Ave. The remaining northern portion of the block face is owned by seven individual home owners.

The requested residential zone district is U (Urban Neighborhood) – RH (Row House) – 2.5 (2 ½ Story Maximum). A full block face is required to rezone to the RH zone district as described in Section 12.4.10.D.3 of the Denver Zoning Code (DZC).

Residential zone districts are intended to promote residential uses that protect neighborhood character within the Urban Neighborhood Context. Design standards encourage the building to be oriented to the street, with garage access from a rear alley. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.



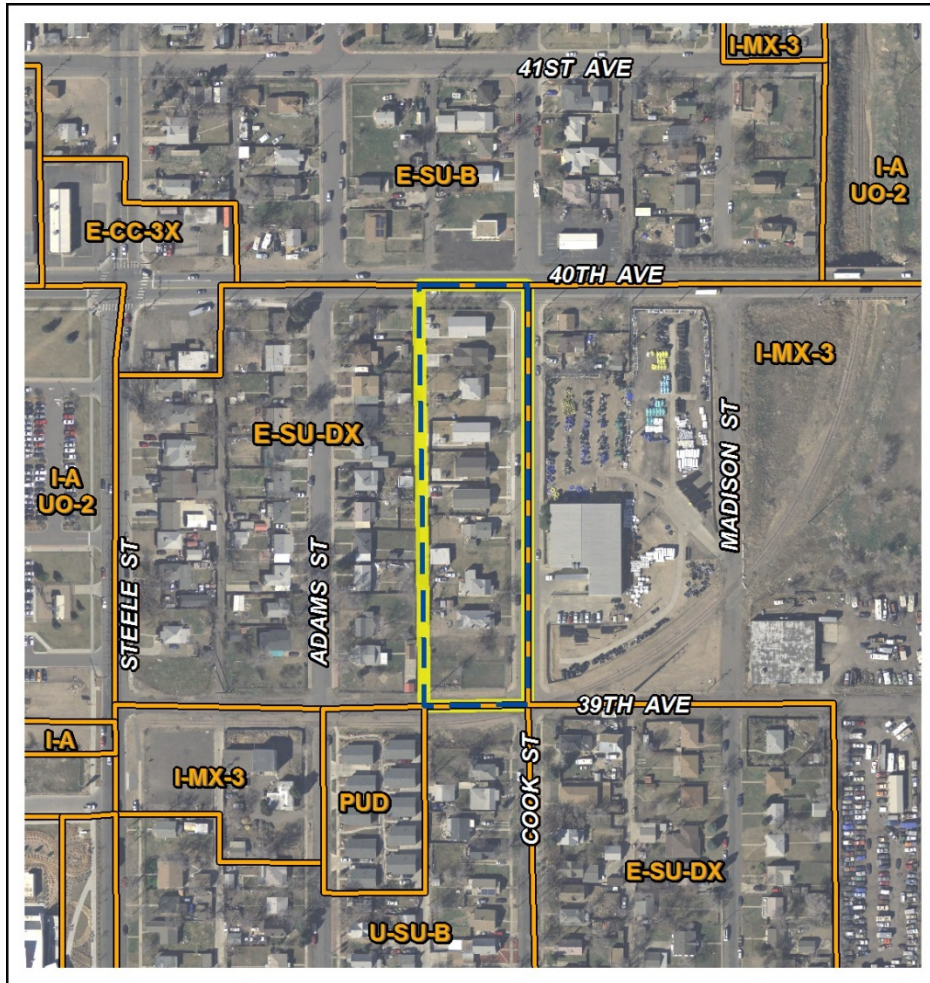
Existing Context

Located in north Clayton near 40th Avenue, the property lies at the edge of a residential area and next to an existing industrial use. The property fronts Cook Street with an industrial building and outdoor wholesale storage yard on the opposite / east side of the street. This predominantly industrial area (east of Cook Street) is shown in the recently adopted Elyria & Swansea neighborhoods plan as industrial mixed use with building heights that transition from 3 to 5 stories.

The following table summarizes the existing context proximate to the subject site:

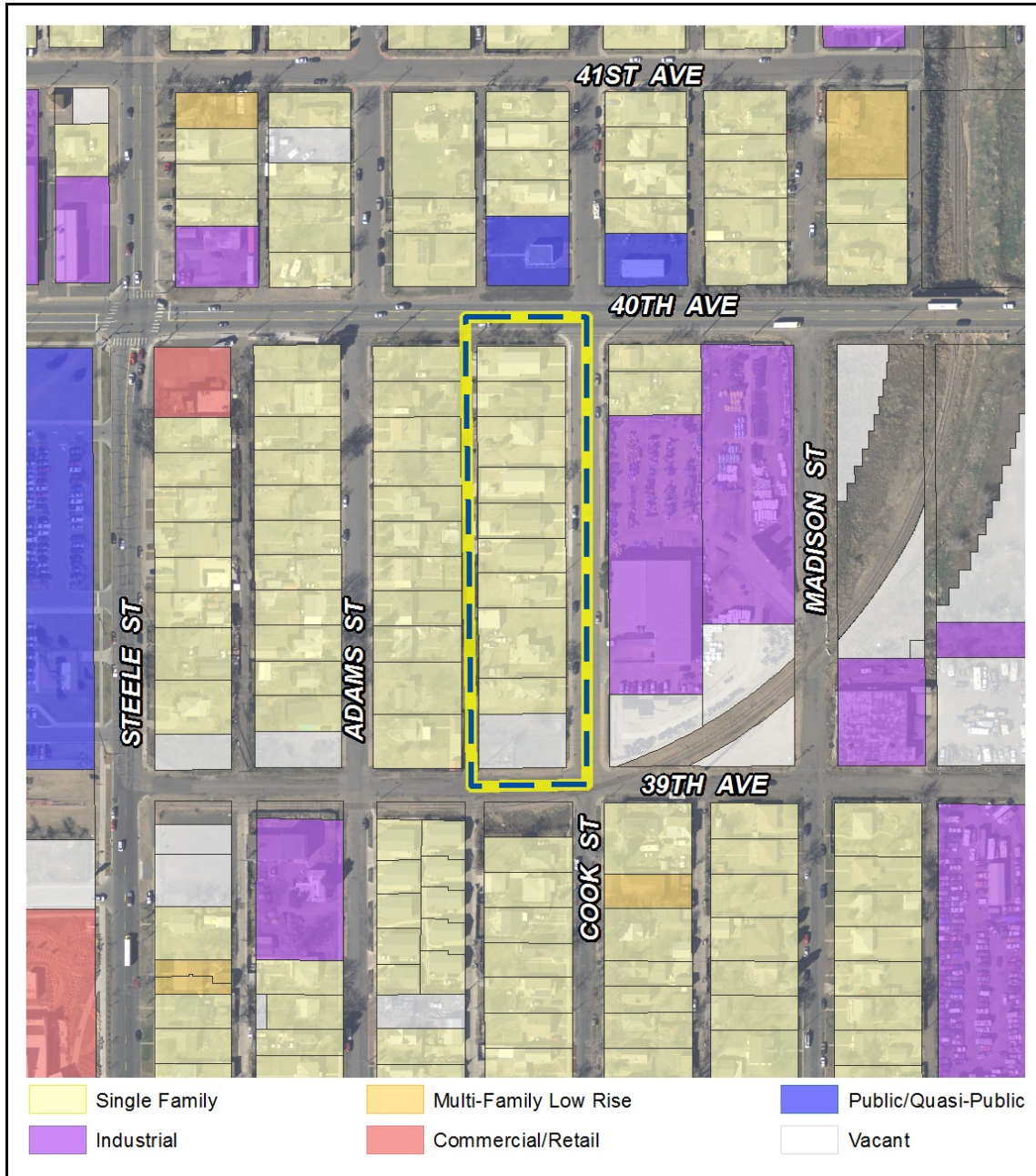
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-DX	Single Family Residential & Vacant	0 to 1 ½	The property is a full block face along Cook Street, which is situated within an orthogonal grid street network from Steele St. to Madison Street, and up to 42 nd Avenue.
North	E-SU-B	Single Family Residential, Quasi-Public (Religious Assembly)	1	
South	U-SU-B	Rail R-O-W, Single Family Residential	1 Story	
East	I-MX-3	Industrial	1-2 Story	
West	E-SU-DX	Single Family Residential	1 Story	

1. Existing Zoning



The current zone district E-SU-DX allows for single family residential houses and compatible uses on a minimum zone lot size of 6,000 s.f. Suburban and urban house building forms are allowed with a maximum height of 30 ft and up to 35 ft on larger lots. See DZC Article 4.

2. Existing Land Use Map



3. Existing Building Form and Scale



Site at 39th & Cook St.



East – Along Cook St.



North – at 40th Ave & Cook St.



West – at 39th & Adams St.



South – at 39th & Cook St.



East – near 40th & Cook St.

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 – No Comments

Public Works – City Surveyor: Approved, No Comments.

Parks & Recreation: Approved.

Development Services - Project Coordination: Approved, No Comments

Environmental Health: Approved – See Comments Below:

Notes. The Denver Department of Environmental Health (DEH) has no information regarding environmental conditions that should be considered for this rezoning request with the exception that the area falls within the boundary of VB-170 Superfund Site. Most of the parcels proposed for rezoning were tested for arsenic and lead and concentrations of those metals were found to be at acceptable concentrations.

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.

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

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on October 14th, 2015.
- The property was legally posted for a period of 15 days announcing the December 16th, 2015 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- **Neighborhoods and Planning Notification:** Written notification of the January 20th, 2016 was sent on January 5th 2015 to all affected registered neighborhood organizations and City Council members.

- The property was legally posted for a period of 21 days announcing the February 29th 2016 Denver Council public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- **Applicant Outreach to Registered Neighborhood Organizations (RNOs)**
 - The applicant has reached out to the applicable neighborhood organizations listed on the cover page of this report.
 - No public comments have been received to date.

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)
- Elyria & Swansea Neighborhoods Plan (2015)

Denver Comprehensive Plan 2000

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

Environmental Sustainability Strategy: 2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place, creating more density near transit, and Designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

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.

Neighborhood Strategy: 1-F – Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.

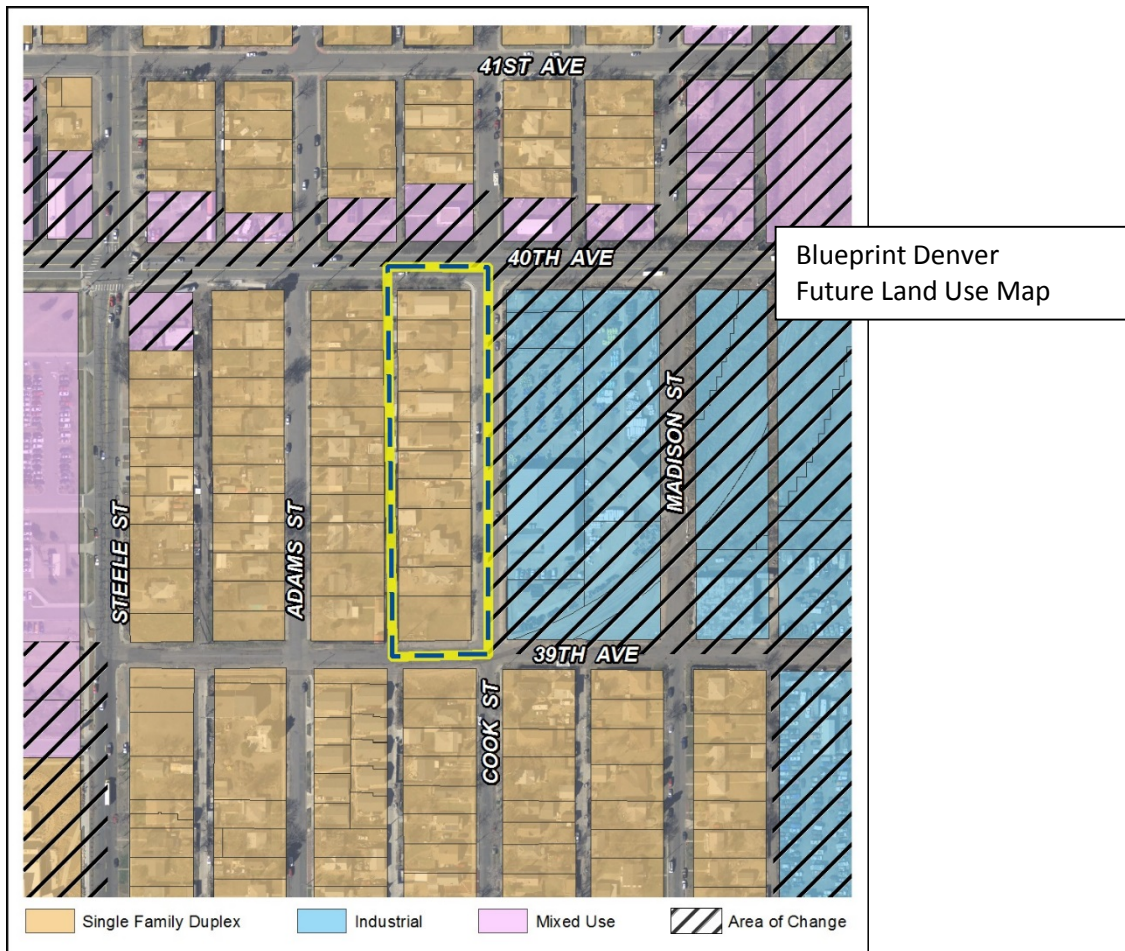
The proposed map amendment will enable infill residential use development as part of an evolving commuter rail station area where services and infrastructure are already in place and where transit

oriented development investment is attracting additional investment. The U-RH-2.5 zone district allows for a slightly increased density within the existing residential area along Cook Street where there are existing infrastructure services. The rezoning is consistent with these plan recommendations.

Blueprint Denver

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

Future Land Use



Single Family Duplex residential areas are moderately dense areas that are primarily residential. There is a mixture of housing types, including single-family houses, duplexes, rowhouses, and small apartment buildings. The proposed U-RH-2.5 zone district is intended to promote and protect residential neighborhood character within the Urban Neighborhood Context with features such as street facing entrances, setbacks and vehicle access to garages along alleys. The rezoning is consistent with this plan recommendation.

Area of Change / Area of Stability

The site lies within in an Area of Stability. The Elyria and Swansea Neighborhoods plan further reinforces Blueprint Denver's Area of Stability definition, by suggesting that Areas of Stability are intended to maintain the character of an area while accommodating some new development and redevelopment. Areas of Stability within the Elyria & Swansea neighborhoods Plan are where the existing character is desirable to maintain, but where reinvestment through modest infill could benefit and stabilize traditional residential areas (Strategy B.1).

The rezoning application is consistent with the Blueprint Denver Committed Area of Stability because it will enable minor infill development that is compatible with the existing residential character of the single family duplex land use recommendation area.

Street Classifications

Blueprint Denver classifies Cook Street and 39th Avenue as local undesignated streets. These streets provide access from collector and arterial streets to homes and other destinations throughout a neighborhood. 40th Avenue is a Mixed Use Arterial Street, which serves as an important East / West connector between North East Park Hill, Clayton, Swansea and Cole Neighborhoods from Colorado Boulevard to Walnut Street and Downing Street.

RTD Bus service (Route 44) connects East/West along 40th Avenue, connecting to downtown and to Stapleton and the Airport Park-n-Ride at Airport and 40th Ave. Route 24 also passes along 40th Avenue between York Street and its terminus at Jackson and 40th Avenue.

The U-RH-2.5 zone district is proposed between 39th and 40th Avenue with primary frontage along Cook Street. Street access, bus service and future commuter rail service within a convenient walking distance support a modest amount of residential infill development imagined for these streets in Blueprint Denver. The proposed map amendment will enable growth in an area that Blueprint Denver identifies as appropriate for a modest amount of infill development and change to further stabilize the residential character of this area.

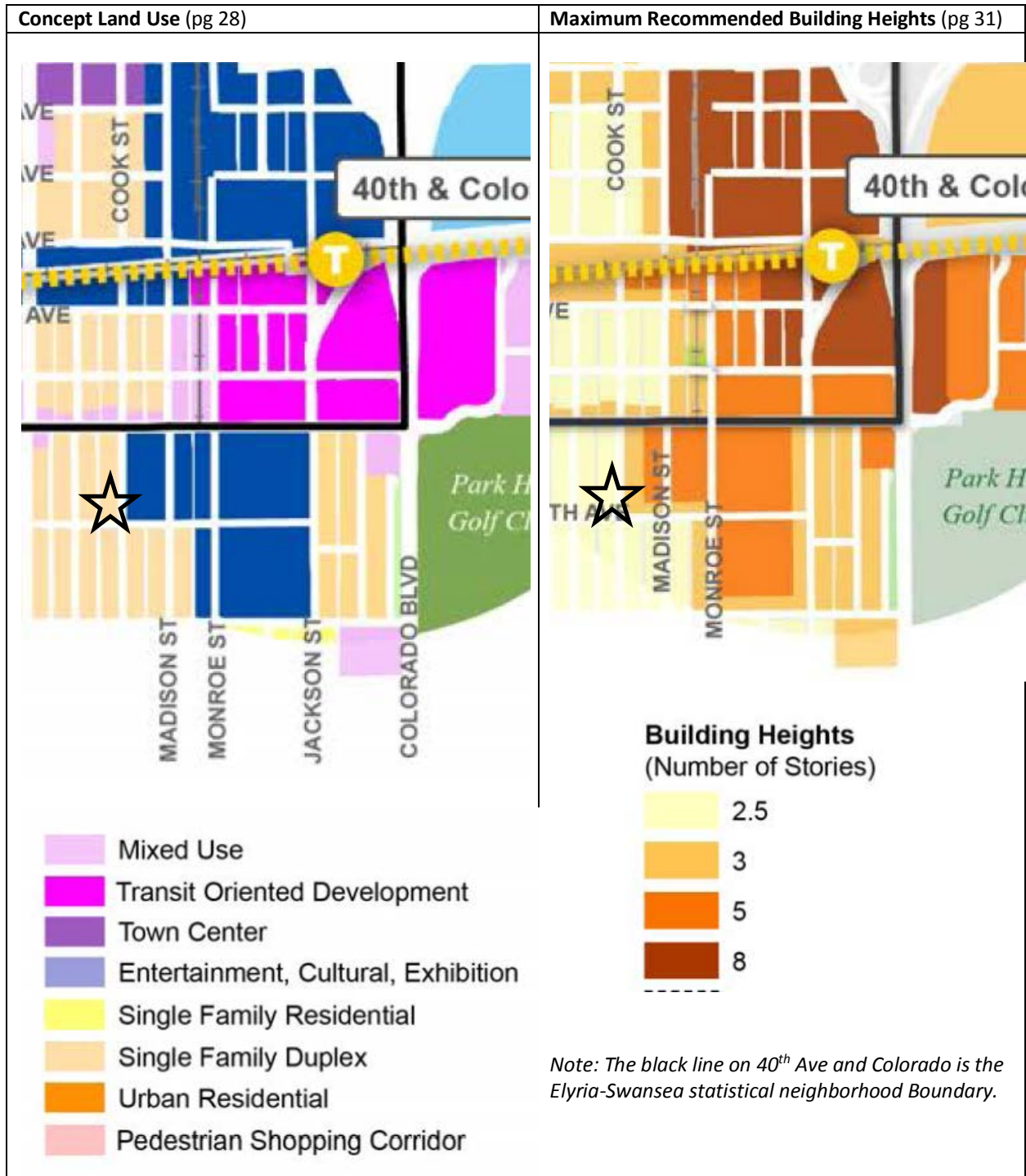
Small Area Plan: Elyria & Swansea Neighborhoods Plan

The Elyria and Swansea Neighborhood plan was adopted by City Council in February 2015. The planning study area includes the 40th and Colorado Station area which captures portions of the Swansea, Northeast Park Hill, and Clayton neighborhoods. The concept land use recommendation is Single Family Duplex, with a maximum building height of 2.5 stories.

Section E.2 recommends Single Family Duplex for traditional residential areas of stability. This is intended to provide economic benefit to home owners and property owners by allowing a moderate level of infill development, and creating incentive to reinvest in existing homes to further stabilize the residential areas (pg 88).

Appropriate building forms that are consistent with the single family duplex land designation, include accessory dwelling units, duplex or tandem houses and row houses. The form and scale of these

residential building types is complementary to the existing character of the traditional residential areas, within the 2.5 story maximum building height. U-RH-2.5 is consistent with the Single Family Duplex and Traditional Residential plan recommendations.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-RH-2.5 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.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." Blueprint Denver and the recently adopted Elyria and Swansea Neighborhoods plan encourages a moderate level of infill development to further stabilize the residential character and economic prosperity in this area. The Elyria and Swansea Plan further states that "traditional residential areas have reduced in size over the years due to the construction of I-70 and the expansion of the National Western Stock Show Complex." Infill development would help to reverse the trend of a declining population with expanded housing throughout the neighborhood, especially near future commuter rail stations. This is an appropriate justifying circumstance for the proposed rezoning.

Additionally, the following changed or changing conditions to the site and surrounding area apply:

- The commuter rail station is under construction with a projected opening date in 2016
- The City is in negotiations with the BNSF Railroad to purchase the disused Market Lead corridor, which runs along Monroe and 39th Avenue. The City intends to put this acreage into more productive use for street and drainage infrastructure, and new development near the rail station.
- The City is preparing to construct new sidewalks along 40th Avenue to improve pedestrian safety and to encourage walking to Bruce Randolph School and the commuter rail station.

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

The Urban Neighborhood Context is characterized as primarily single-unit and two-unit residential uses, with smaller scale multi-unit residential uses such as rowhouses and commercial areas embedded in residential areas. The street and block patterns consist of a regular pattern of block shapes surrounded by an orthogonal street grid for pedestrian and vehicle connectivity, and a consistent presence of alleys.

Strategy E.1 in the Elyria and Swansea neighborhood plan recommends updating the neighborhood context from Urban Edge (E), to Urban (U) to better reflect the use of alleys for limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible. The Urban Edge

context associated with the current E-SU-DX zone district is intended for neighborhoods that include a blend of suburban and urban characteristics within an orthogonal grid or modified grid pattern and mixed alley access.

The proposed rezoning to U-RH-2.5 is consistent with the Urban neighborhood context description.

U-RH-2.5 is an Urban Neighborhood residential zone district intended to promote residential building forms that protect a residential neighborhood character within the Urban Neighborhood Context. Design standards encourage street oriented buildings, with walkable, pedestrian friendly street features and garage access from a rear alley (See Section 5.2.2.2.Q in the Denver Zoning Code). The U-RH-2.5 zone district as would allow for the two and a half story rowhouse building form, in addition to the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.

The adopted plans recommend single family duplex land use which encourages a variety of lower scale residential building forms, a 2 ½ story maximum building heights in this residential area, and local and mixed use arterial streets. These recommendations are consistent with the purpose and intent of the U-RH-2.5 zone district as described in Article 5.1 of the Denver zoning Code.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3901 – 3991 N Cook St. from E-SU-DX to U-RH-2.5 meets the requisite review criteria. Accordingly, staff recommends approval.

Planning Board Recommendation

Following the December 16th 2015 public hearing, the Planning Board voted unanimously (10-0) to recommend approval to the Denver City Council.

Attachments

1. Application