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TO: Land Use, Transportation, and Infrastructure Committee
FROM: Sarah Cawrse, Senior City Planner
DATE: December 23, 2021
RE: Official Zoning Map Amendment Application #2021I-00057

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2021I-00057 forward for consideration by the full City Council.

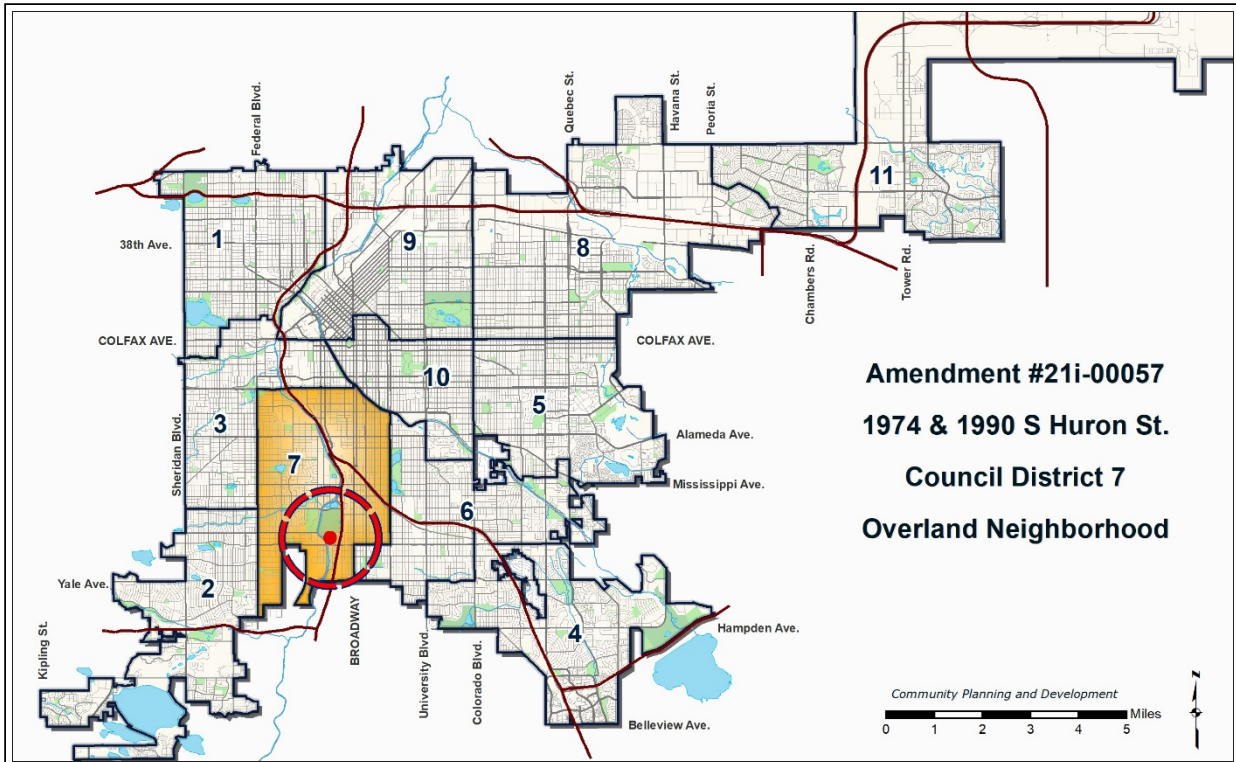
Request for Rezoning

Address: 1974 & 1990 S Huron Street
Neighborhood/Council District: Overland Neighborhood / Council District 7, Jolon Clark
RNOs: Inter-Neighborhood Cooperation (INC); Denver for ALL; Neighbors of Overland North; District 7 Neighborhood Coalition, Inc.; Overland Park Neighborhood Association
Area of Property: 18,740 square feet or 0.43 acres
Current Zoning: Current zone district E-TU-C
Proposed Zoning: Proposed zone district E-SU-A
Property Owner: Neil Shea

Summary of Rezoning Request

- The subject property is in the Overland Neighborhood, north of W Evans Avenue and west of S Santa Fe Drive near the intersection of W Asbury Avenue and S Huron Street.
- The subject property includes two lots, each of which has a small single-family home on it.
- The applicant is requesting the rezoning to allow for three single-family homes on each property.
- The requested zone district of E-SU-A (Urban Edge Urban, Single Unit) allows up to a two and a half story urban house building form. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

Existing Context



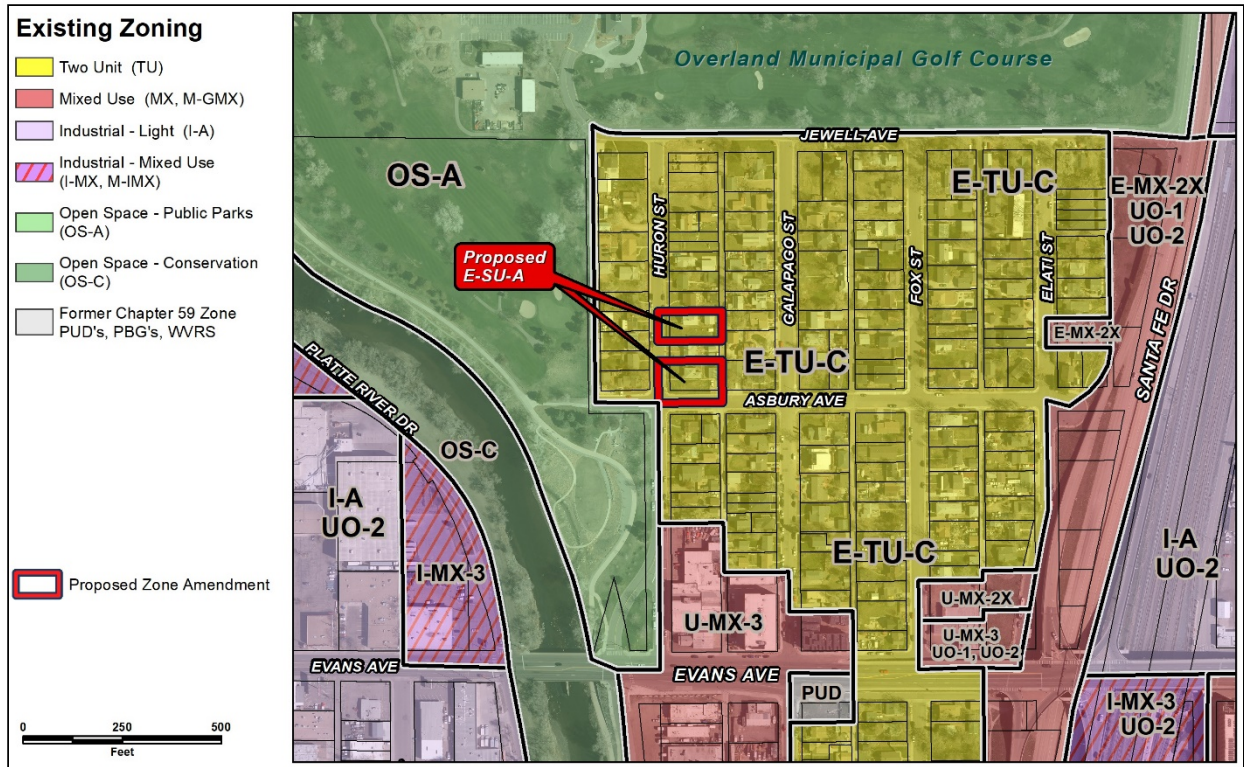


The subject property is in the Overland Neighborhood, near the intersection of W Asbury Avenue and S Huron Street. It is about one block away from Overland Municipal Golf Course and about a third of a mile from the Evans RTD Station. The properties are about a block away from Pasquinel's Landing (open space near the Platte River), and the multi-use trails along the South Platte River. There are primarily single-unit residential buildings with some industrial, mixed-use and two-unit residential dispersed throughout. There are bus stops located one block south near the intersection of S Huron Street and W Evans Avenue.

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

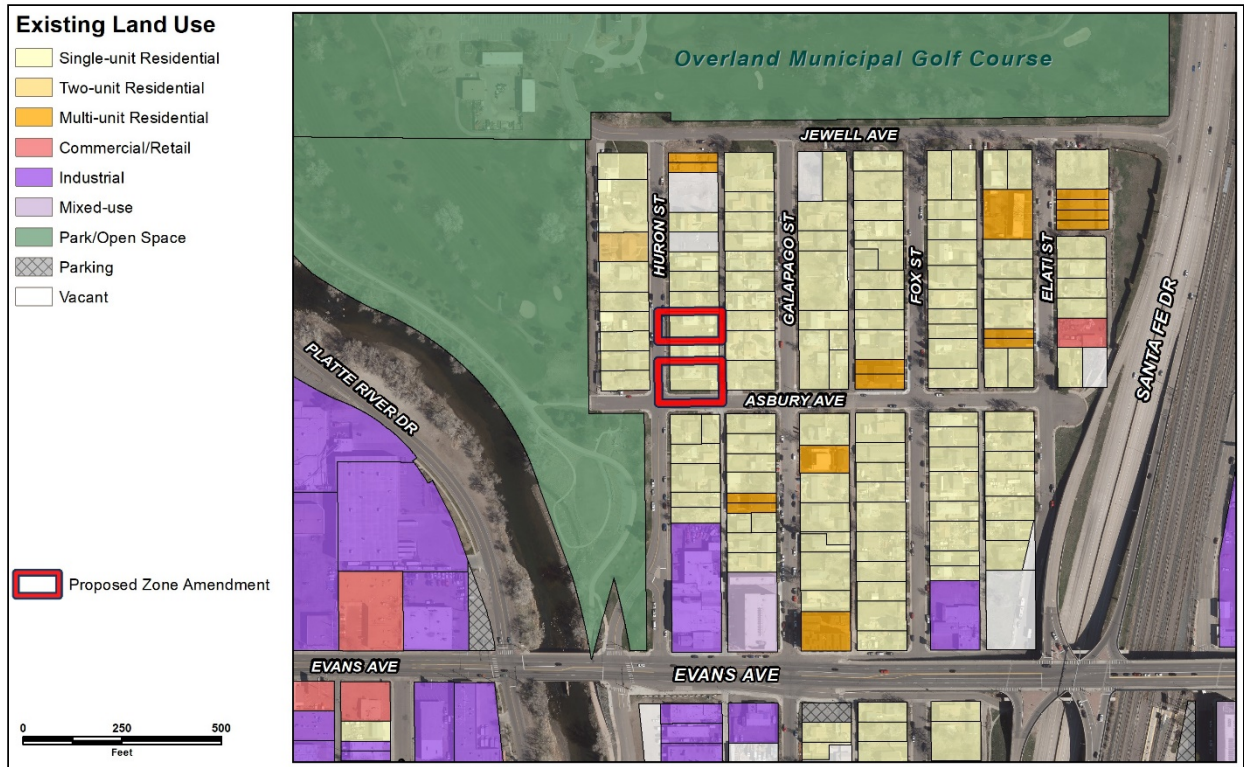
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-TU-C	Single-unit residential	On both lots there is a 1-story residential home with a detached garage. Each home is located on the north side of the lot with a large yard to the south. The 1990 S Huron property has a large setback from S Huron and is located on a corner lot. The 1974 S Huron Street property also has a large setback from S Huron.	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with very small attached sidewalks and no amenity zones. Generally, vehicle parking is located to the rear or side of buildings in the neighborhood. Bus stops are located a block away along W Evans Avenue and S Huron Street.
North	E-TU-C	Single-unit residential	1 to 2-story residential homes with deep setbacks and detached garages accessed by alleys.	
South	E-TU-C, U-MX-3	Single-unit residential; industrial; mixed-use; multi-unit residential	1 to 2-story residential homes with deep setbacks and detached garages accessed by alleys. There are some 1 to 3-story industrial buildings and 3-story mixed-use buildings near W Evans Avenue.	
East	E-TU-C	Single-unit residential	1 to 2-story residential homes with deep setbacks and detached garages accessed by alleys.	
West	E-TU-C, OS-A	Single-unit residential; two-unit residential; park/open space	1 to 2-story residential homes with deep setbacks and detached garages accessed by alleys. Pasquinel's Landing and Overland Municipal Golf Course surrounds the properties to the west.	

1. Existing Zoning



The E-TU-C is a two-unit residential district allowing the urban house, detached accessory dwelling unit, duplex, and tandem house building forms. The maximum building height is two and a half stories or 30 feet. For additional details of the existing zone district, see DZC Section 4.2.2.

2. Existing Land Use Map



The subject property has single-unit residential land use. Surrounding uses are primarily single-unit residential with some two-unit residential and multi-unit residential dispersed throughout the immediate area and industrial, mixed use, and commercial retail along the W Evans Avenue corridor.

3. Existing Building Form and Scale



1974 S Huron Street Subject property looking east from S Huron Street (Source: Google Maps)



2

1990 S Huron Street subject property looking east from S Huron Street (Source: Google Maps)



3

Adjacent properties to the south near the intersection of S Huron Street and W Asbury Avenue (Source: Google Maps)



4

Adjacent properties to the east near S Galapago Street (Source: Google Maps)



5

Adjacent properties to the north near S Huron Street (Source: Google Maps)



6

Adjacent properties to the west near S Huron Street (Source: Google Maps)

Proposed Zoning

The requested E-SU-A zone district is a single-unit residential district. In contrast to the existing E-TU-C zone districts that allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms, the proposed zone district of E-SU-A only allows the urban house building form.

Both the existing and requested zone districts allow residential uses. The existing zone district allows up to two units on a minimum zone lot area of 5,500 square feet. The requested zone district of E-SU-A is a single unit district allowing only urban houses with a minimum zone lot area of 3,000 square feet. This district allows the shallowest setbacks and highest lot coverage in the Urban Edge Neighborhood Context. Since each zone lot is just over 9,000 square feet, a zone lot amendment could be done to create three zone lots on each property that meet the minimum zone lot area of 3,000 square feet. The requested zone district would allow up to three single family homes on each property, totaling six single-family homes between the two properties. For additional details of the uses allowed under the requested zone district, see DZC Section 4.4.4.

The primary building forms allowed in the existing zone district and the requested zone district are summarized below.

Design Standards	E-TU-C (Existing)*	E-SU-A (Proposed)*
Primary Building Forms Allowed	Urban House, detached accessory dwelling unit, duplex, and tandem house	Urban house
Stories/Heights (max)	2.5/30'	2.5/30'
Minimum Zone Lot Size/Width	5,500sf/50'	3,000sf/25'
Primary Street Setback (min)	Reference lot	Reference lot
Side Street Setback (min)	5'	3'
Side Interior (min)	5'	3'
Rear, alley/no alley Setback (min)	12'/20'	12'/20'
Building Coverages	37.5%	50%

*Standard for existing and proposed zone districts shown is for the Urban House building form meeting the minimum 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

Denver Public Schools: Approved – no response

Department of Public Health and Environment: Approved – no comments

Denver Parks and Recreation: Approved – no comments

Department of Transportation & Infrastructure – R.O.W. - City Surveyor: Approved – no comments

Development Services - Transportation: Approved – no response

Development Services – Wastewater: Approved – no response

Development Services – Project Coordination: Approved – comments below
 Zone Lot Amendments (ZLA/ZLAM) and reviews and permitting will be required from the Residential Review and Zoning Administrative Teams.

Development Services – Fire Prevention: Approve – 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	9/3/21
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	11/29/21
Planning Board public hearing	12/15/21
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:	12/21/21
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	1/4/22
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:	1/24/22 (tentative)
City Council Public Hearing:	2/14/22 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - Overland Park Neighborhood Association, a registered neighborhood organization, submitted a letter of support. See attachment to the staff report.
 - Neighbors of Overland North, a registered neighborhood organization, submitted a letter of opposition.

- **General Public Comment**
 - There have been six letters of support and two letters of opposition received from adjacent property owners, which are attached to the staff report.

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 2040* (2019)
- *Blueprint Denver* (2019)
- *Evans Station Area Plan* (2009)
- *Overland Neighborhood Plan* (1993)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with some of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

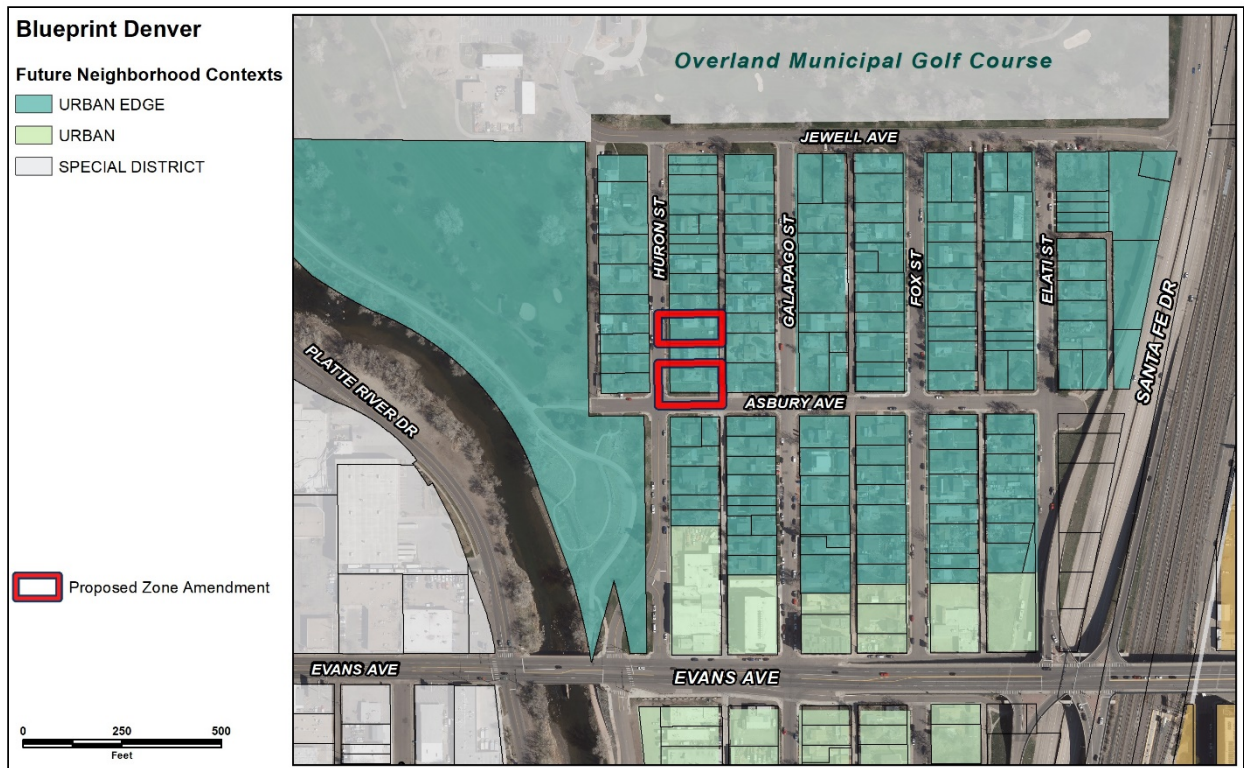
1. The proposed rezoning would allow new houses while maintaining the character of the surrounding single-unit neighborhood. This is consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:
 - Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p. 28).*
 - Equitable, Affordable and Inclusive Goal 2, Strategy A – *create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*
2. The proposed rezoning would only allow new single-unit houses, which is consistent to the character of the surrounding neighborhood. Even though the proposed zone district only allows one building form, it would ensure diversity of housing types (single-unit homes) are implemented in an area that is predominantly two-unit zoning. This is consistent with the following strategies 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).*
 - Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).*

In summary, the proposed rezoning is consistent with the plan policies identifying the need to maintain neighborhood character and provide a variety of housing options. Based on a preliminary analysis of the subject property, the rezoning request would allow six single-unit homes compared to two duplexes under the existing zoning. This will allow for some single-unit homes on smaller lots to be built in the neighborhood in addition to duplexes, tandem houses, and detached accessory dwelling units.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to the *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 the Residential Low place type within the Urban Edge Neighborhood Context and provides guidance for the future growth strategy for the city.

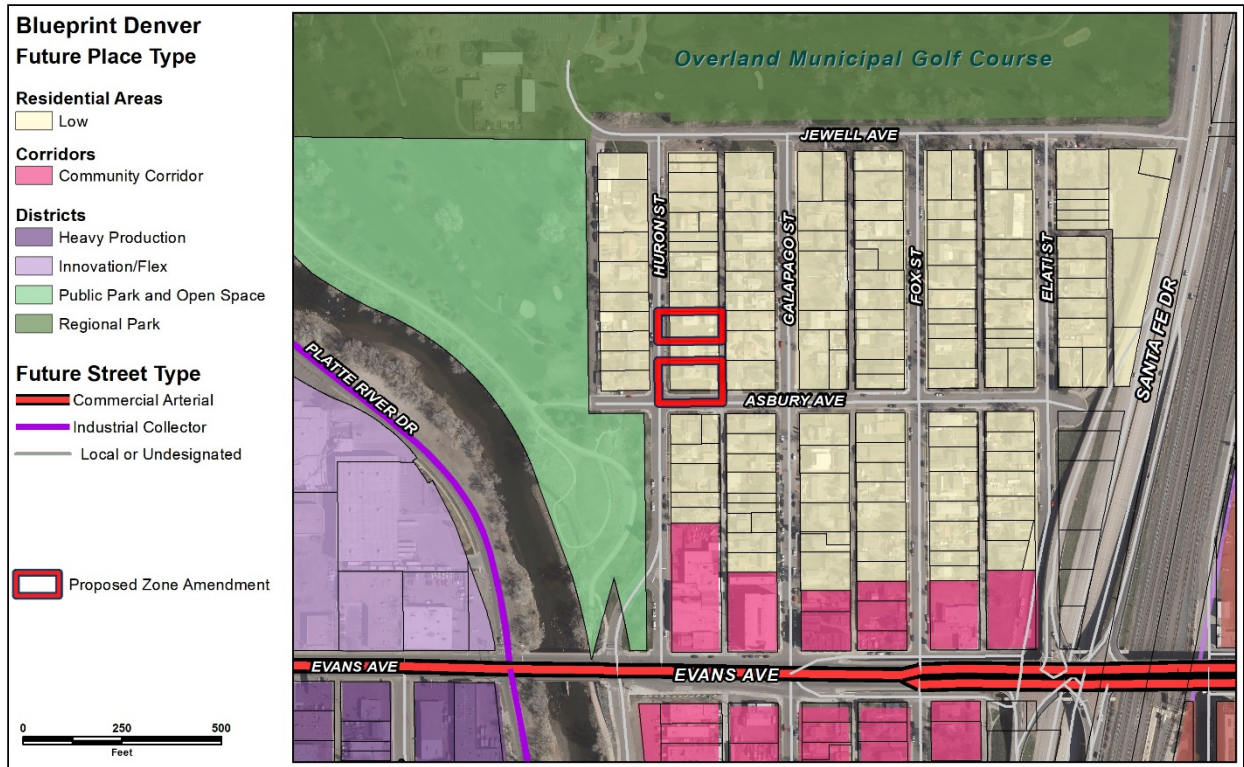
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between neighborhoods and their land use, built form, and mobility options at a higher scale. The subject property is shown on the context map as the Urban Edge neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). In the Urban Edge neighborhood context, “residential areas generally are single- and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements – streets may be

rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206). The proposed E-SU-A zone district is part of the Urban Edge neighborhood context and would allow single-unit uses, consistent with the intent of the Urban Edge neighborhood context in *Blueprint Denver*.

Blueprint Denver Future Places



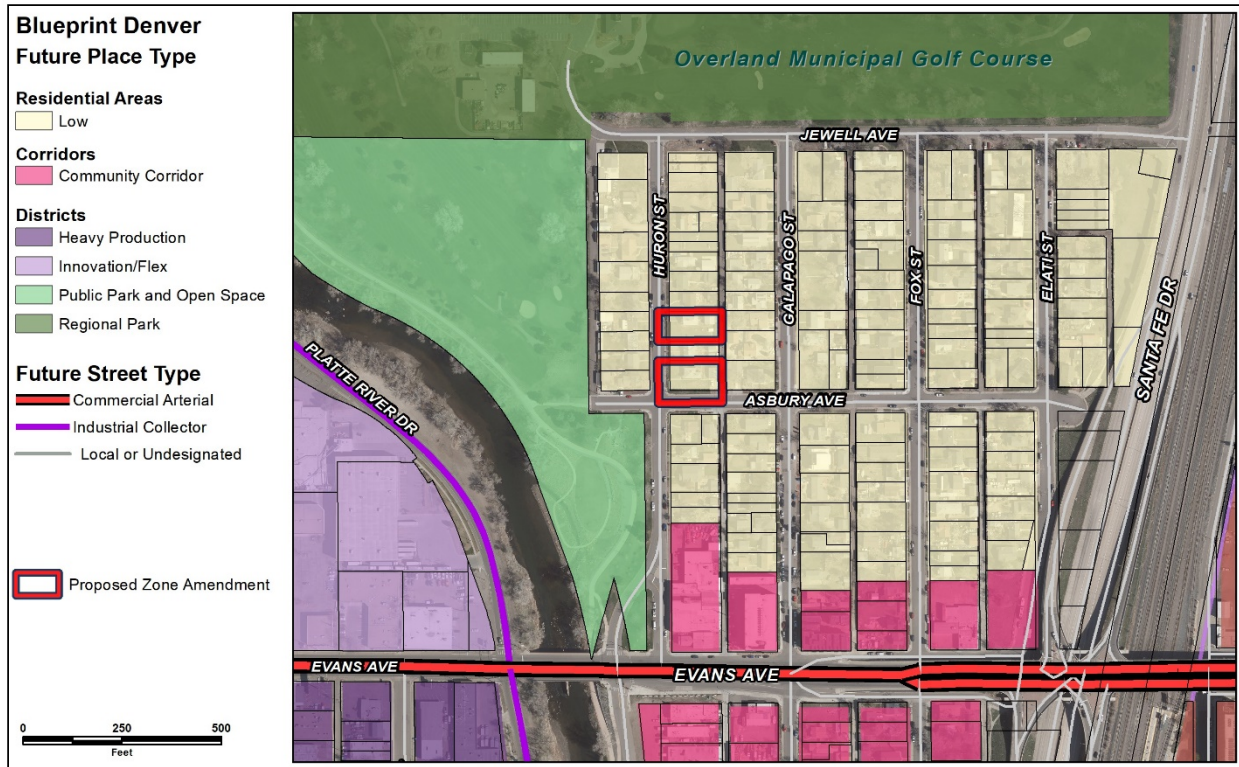
The Urban Edge Neighborhood Context provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Residential Low place type. *Blueprint Denver* describes the aspirational characteristics of Residential Low places in the Urban Edge context as, “predominantly single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed zone district of E-SU-A would allow single-unit uses embedded within the adjacent two-unit residential areas.

On page 215, *Blueprint Denver* includes language referencing how Residential Low guidance should apply to proposed rezonings. Under the minimum lot size section, it states that “when a rezoning request is made to change the zoning to allow smaller lots for multiple properties in an area, the appropriateness of the request depends upon the existing character and applicable adopted neighborhood plan guidance. For applicant-driven requests that are individual sites or small assemblages, typically it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request. A departure from the established lot pattern may be appropriate if the request includes a larger area, generally greater than one block, and the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input.” This language does not specifically identify how this guidance applies to properties that request to rezone from two-unit districts to single-unit districts, and, in this case, there is additional guidance in an adopted small area plan regarding the desired patterns and

housing types. When evaluating *Blueprint Denver's* lot size guidance, it was found that there is not an existing pattern in the surrounding blocks of smaller lot sizes similar to the requested zone district's minimum zone lot area of 3,000 square feet. Even though there is not a recognized existing pattern of smaller lots, the zone district supports the small area plan vision expressed in the *Evans Station Area Plan* (see below), and, therefore, is consistent with *Blueprint Denver's* guidance.

The rezoning request is consistent with *Blueprint Denver's* identified Residential Low place type.

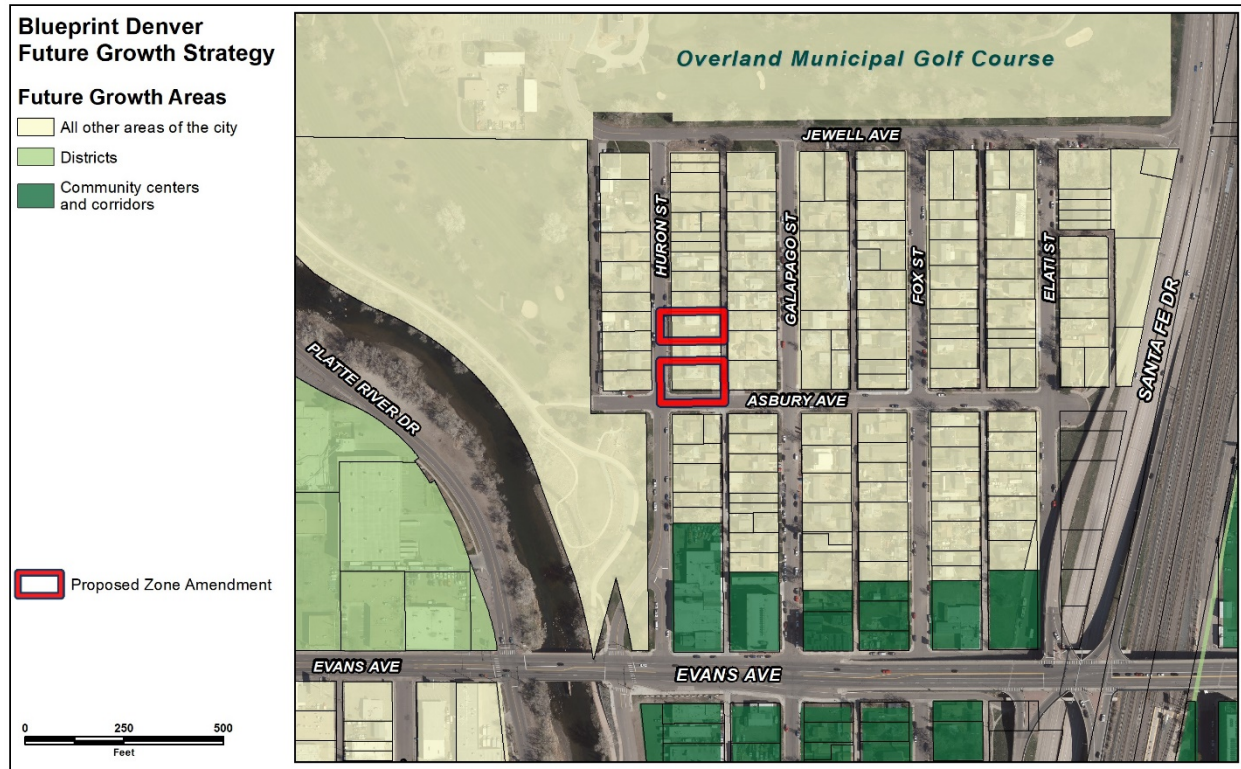
Blueprint Denver Street Types



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 S Huron Street and W Asbury Avenue as local or undesignated streets, which typically “vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses. Local streets provide the lowest degree of through travel but the highest degree of property access” (p. 161). The current future place type of Residential Low and the local street type work together to identify appropriate development intensity.

The rezoning request is **consistent** with *Blueprint Denver’s* identified Street Type because it would maintain a residential use within the adjacent residential area.

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 Residential Low place type. Residential Low places fall under "all other areas of the city" on the growth strategy map, which are anticipated to see 20% of new housing and 10% of new jobs by 2040. The areas are designated to "take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49).

The proposed zone district of E-SU-A would allow additional residential units and contribute to a growth in housing. The rezoning request is **consistent** with *Blueprint Denver's* identified Future Growth Strategy.

Evans Station Area Plan

The *Evans Station Area Plan* was adopted in 2009. The vision for the plan 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).



LEGEND

- | | | |
|---|--|--|
|  Mixed-Use - Main Street |  Public / Quasi-Public |  Bicycle/Pedestrian Bridge |
|  Mixed-Use Residential |  Transit Plaza |  Transit Parking |
|  Urban Residential |  Priority Pedestrian / Bike Streetscape Improvements |  Transit Station |
|  Single Family-Duplex |  Secondary Pedestrian / Bike Streetscape Improvements |  Station Tower/Vertical Pedestrian Connection |
|  Single Family |  Plaza/Pedestrian Bridge |  SW Corridor |
|  Mixed-Use - Employment |  Potential Urban Garden Site |  Existing Parks |

The *Evans Station Area Plan* identifies the properties as Single-Family Duplex in the land use plan (p. 13). The plan states that the Single-Family Duplex areas should “encourage reinvestment in existing residential neighborhoods adjacent to the station. 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)

Evans Station Area Plan Recommendations

In the *Evans Station Area Plan*, the vision outlined in the plan identifies the need to “create a sense of place by creating a vibrant and sustainable urban neighborhood that encourages people to live and work; invites business 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. 10). There are several recommendations in the plan around creating more density, maintaining neighborhood character, and increasing the supply and variety of housing types that the rezoning request is consistent with. They include:

- Within the Land Use and Urban Design Recommendation 1, there are several specific recommendations the rezoning request is consistent with:
 - Residential Opportunities and Form, recommendation 1d: *“Encourage reinvestment in existing residential neighborhoods adjacent to the station. 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 - small single family lots (4,500 sf minimum), moderate lot coverage, shallow to moderate setbacks, detached sidewalks and alley loaded garages consistent with an urban neighborhood. Typical densities are between 10 and 20 housing units per acre area-wide” (p. 15).*
 - The requested zone district has a minimum zone lot size of 3,000 sf, which is smaller than what the plan mentions as the existing condition in the area that new development should be consistent with.
 - The rezoning request is consistent with the predominant single-unit character of the neighborhood while also allowing for the development of new units as envisioned in the plan.
 - The requested zone district would allow for a density of housing units that is consistent with what the plan describes as typical density of 10-20 housing units per acre in the form of six single-unit homes on the subject property.
 - The rezoning request would encourage reinvestment in the neighborhood and provide an additional mixture of housing types of urban houses on smaller lots.

In consideration of the points above, the requested zone district is consistent with the overall neighborhood plan guidance to maintain the character of the neighborhood and allow for a mix of housing types, including single unit. While the zone district is less consistent with the description of existing minimum lot sizes, the proposed district still achieves the plan’s density guidance and contributes to a variety of unit types in the neighborhood. The smaller lot size proposed with the requested rezoning would allow for a similar number of units as a two-unit district in a different form (i.e., urban houses on smaller lots rather than duplexes on larger lots).

- Building Heights and Transition to Neighborhoods, recommendation 7a: *“Reinvestment in the form of additions to existing homes or new low density residential infill development should fit with the character of existing neighborhoods” (p. 24).*
 - The requested zone district would allow low density residential infill development that is consistent with the single-unit character of the neighborhood.

When considering the intent of the plan and the plan guidance above, the rezoning request is **consistent** with *Evans Station Area Plan* recommendations as it furthers the goal to encourage compatible infill of new housing opportunities.

Overland Neighborhood Plan Recommendations

The *Overland Neighborhood Plan*, adopted in 1993, recommends maintaining and enhancing the single-family character in the neighborhood (p. 33). The plan includes action recommendations that the rezoning request is consistent with that include:

- Land Use and Zoning Action Recommendations
 - LZ-3: *“Develop the remaining vacant land in a manner that is compatible with the land use character and density of surrounding land use and existing zoning” (p. 13).*
 - The requested zone district would allow development of new housing units that are consistent with the existing surrounding land use.

The rezoning request is **consistent** with *Overland Neighborhood Plan* recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-A 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 does further the public health, safety, and general welfare of the City through implementation of the city’s adopted land use plan. The proposed zone district is consistent with *Blueprint Denver’s* plan policies, and therefore contributes to implementing the city’s adopted land use plan. The requested zone district of E-SU-A will allow smaller single-family houses, which will promote a variety of housing types to exist within the neighborhood.

4. Justifying Circumstance

The application identifies the Justifying Circumstance under DZC Section 12.4.10.8.A.4, which states “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; or, a city adopted plan.”

The application references the changing conditions in the Overland Neighborhood and that the *Comprehensive Plan 2040* and *Blueprint Denver* are adopted city plans that justify the rezoning request. *Blueprint Denver* identifies the W Evans Avenue as the future place type of Community Corridor and the area adjacent to Evans Station as Community Center. Those areas have been changing over time with new development along W Evans Avenue and near the transit station. City investments were also made in 2016 at Pasquinel’s Landing and there are planned improvements, including a future pedestrian bridge aligned with W Jewell Avenue over S Santa Fe Drive and the train and light rail tracks. As stated in the first review criterion, these plans provide a clear vision and strategies that outline the need for diversity of housing types, increased growth, and the desire to maintain the surrounding neighborhood character. Citing these recently adopted plans and changing conditions in the surrounding area to rezone to E-SU-A is an appropriate justifying circumstance.

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

The requested E-SU-A zone district is within the Urban Edge Neighborhood Context. The neighborhood context is primarily “characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House and Suburban House building forms. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Commercial buildings are typically the Shopfront and General building forms that typically contain a single type of use. Single and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets” (DZC, Division 4.1). This portion of the Overland neighborhood fits the general description of Urban Edge neighborhoods and the proposed E-SU-A zone district would allow single-unit uses in the urban house building form that is consistent with the Urban Edge Neighborhood Context description.

The general purpose of the Urban Edge zone districts are to “promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.” The standards of the single unit districts accommodate the varied pattern of urban house forms (DZC Section 4.2.2.1).

The specific intent of the E-SU-A zone district is “a single unit district allowing only urban houses with a minimum zone lot area of 3,000 square feet. This district requires the shallowest setbacks and highest lot coverage in the Urban Edge Neighborhood Context” (DZC Section 4.2.2.2). This is consistent with the existing neighborhood and the plan guidance as described above.

The proposed E-SU-A zone district is **consistent** with the DZC context description, purpose and intent statements.

Attachments

1. Application
2. Public and RNO comment letters, as applicable