



TO: Land Use, Transportation, and Infrastructure Committee
FROM: Rob Haigh, Senior City Planner
DATE: April 25, 2023
RE: Official Zoning Map Amendment Application #2021I-00120

Staff Report and Recommendation

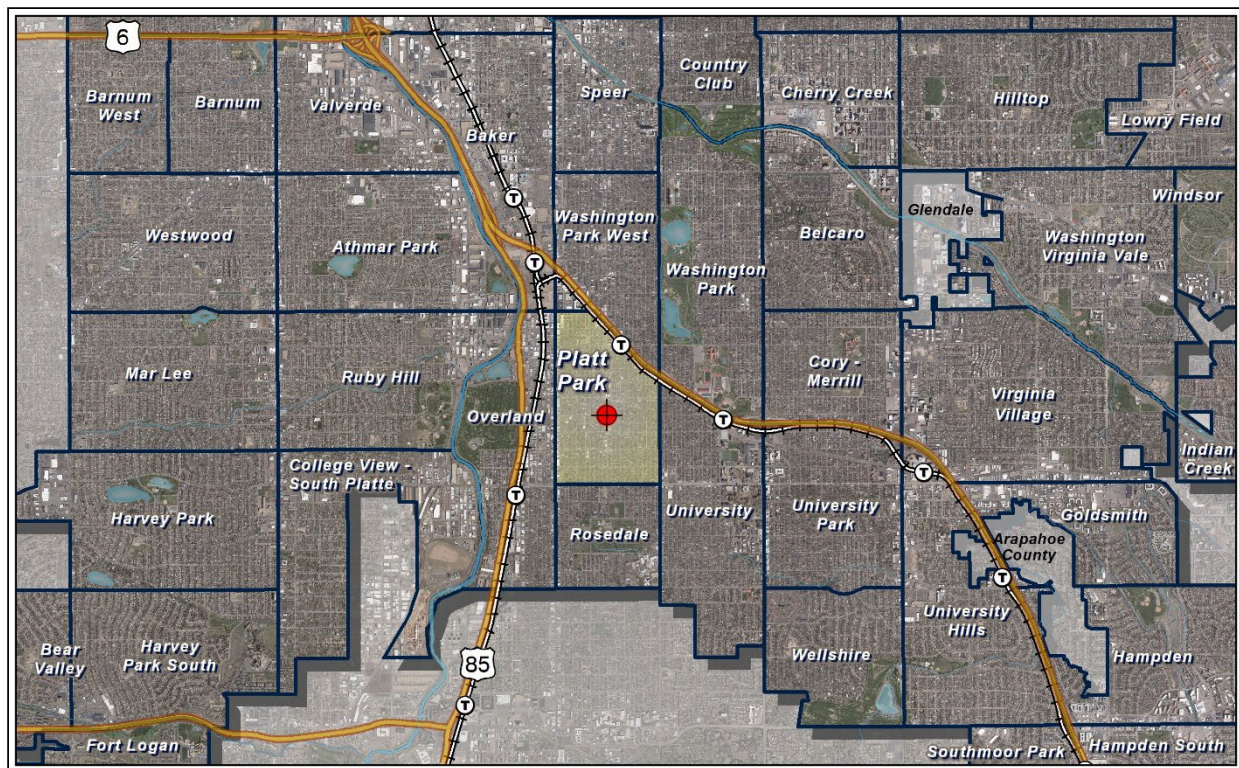
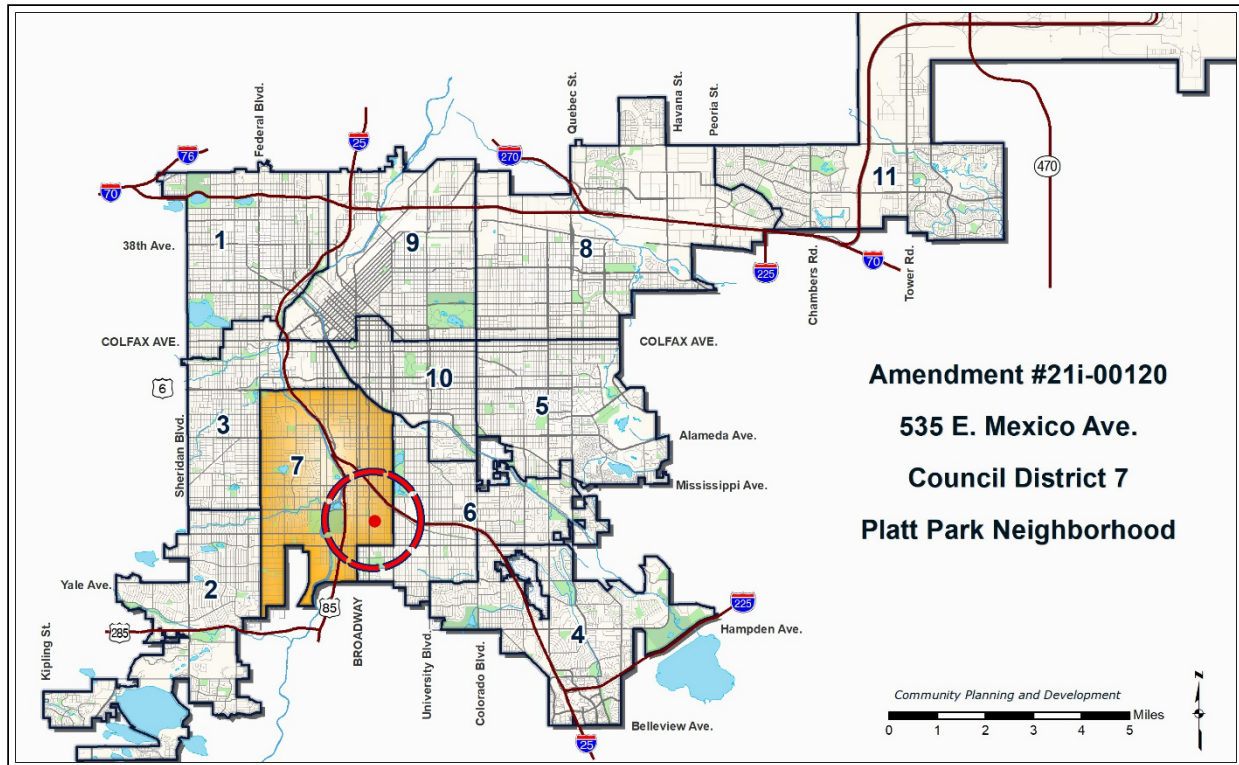
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00120.

Request for Rezoning

Address: 535 East Mexico Avenue
Neighborhood/Council District and CM: Platt Park Neighborhood / Council District 7, CM Clark
RNOs: Platt Park People's Association (3PA), Inter-Neighborhood Cooperation
Area of Property: 2,907 square feet or 0.07 acres
Current Zoning: PUD 316
Proposed Zoning: U-MS-2x
Property Owner(s): 535 East Mexico, LLC
Owner Representative: Caitlin Quander, Brownstein Hyatt Farber Schreck

Summary of Rezoning Request

- The subject property is in the Platt Park neighborhood and in Council District 7, at the corner of East Mexico Avenue and South Pearl Street.
- The subject property was zoned PUD 165 in 1985 limiting the property and the existing building to be operated as a carpet cleaning and sales business. The zoning was updated to PUD 316 in 1991, still limiting development on the property to the existing building but expanding the allowed uses to include office uses as described in the B-1 district in Former Chapter 59.
- There is a one-story structure on the property, built in 1930. According to the applicant, the site has been used as the office for Venture Architecture, Inc. since 2008.
- The applicant is requesting the rezoning to allow expansion of the existing building.
- The U-MS-2x, Urban – Main Street – 2x, zone district promotes safe, active, and pedestrian-scaled commercial streets through building forms that define and activate the public street edge. Main Street districts are intended to enhance the convenience, ease, and enjoyment of walking, shopping, and public gathering along the city's commercial streets. See Denver Zoning Code Section 5.2.5 for more information.



Existing Context



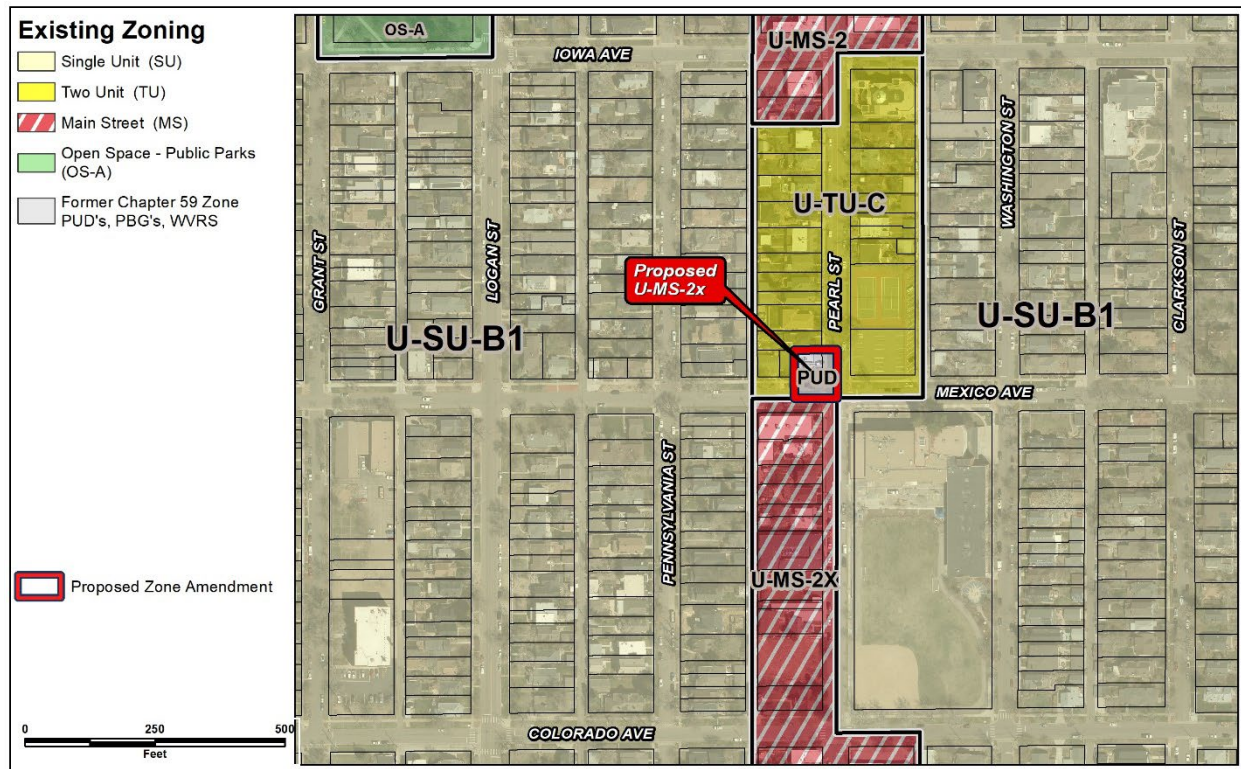
The subject property is in the Platt Park statistical neighborhood, which is characterized primarily by single-unit residential uses with a corridor of mixed-use, commercial, and public/quasi-public uses along South Pearl Street. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. Bus Route 12 runs along East Iowa and turns north on South Pearl Street with a 30-minute headway. The subject property is one block south of East Iowa Street. Additionally, the subject property is 0.6 miles south of the Louisiana/Pearl RTD Light Rail station.

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	PUD 316	Office	1-story Office, set back from both East Mexico Avenue and South Pearl Street, no alley access	Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-TU-C	Residential	South Pearl Street – mix of one and two-story, single-unit, two-unit, and multi-unit residential	
South	U-MS-2x, U-SU-B1	Commercial/Retail, Office, Residential, Mixed-Use,	South Pearl Street – mix of one and two-story, single-unit, two-unit, and	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
		Public/Quasi-Public	multi-unit residential; mixed-use structures; Grant Beacon Middle School	
East	U-TU-C, U-SU-B1	Residential	East Mexico Avenue –one and two-story single-unit residential facing local streets	
West	U-TU-C, U-SU-B1	Residential, Public/Quasi-Public	East Mexico Avenue – mixture of one and two-story single-unit, two-unit, and multi-unit residential mostly facing local streets, immediate neighbors face East Mexico Avenue; Highlands Church	

1. Existing Zoning

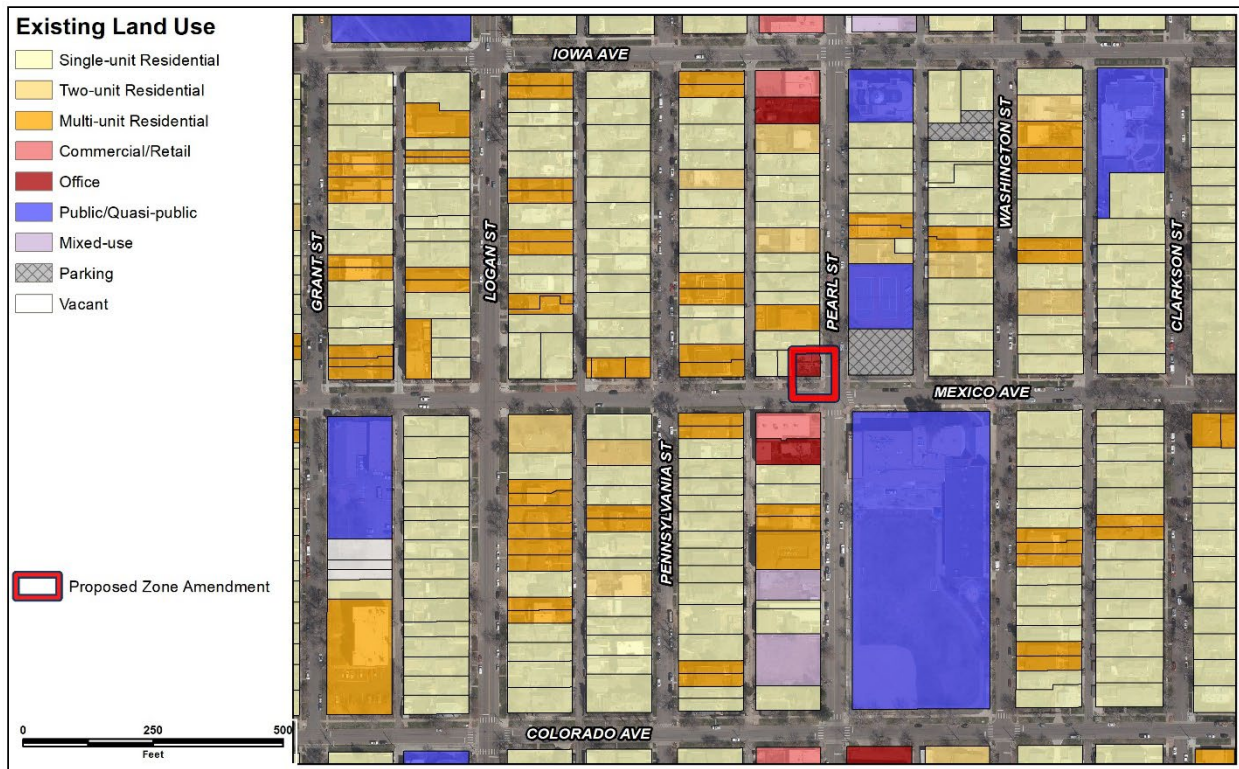


The subject property is zoned PUD 316, which is a Former Chapter 59 PUD zone district. The PUD is highly customized for the existing building with B-1 and B-2 uses allowed. Specifically, PUD 316 sets forth:

- Maximum building coverage, heights, setbacks; and a floor area ratio to reflect the current building;
- Maximum areas for impervious surfaces, including parking and drive aisles;
- Minimum landscaping requirements;
- A minimum number of off-street parking spaces; and
- A list of allowed uses from the Former Chapter 59 B-1 and B-2 zone districts.

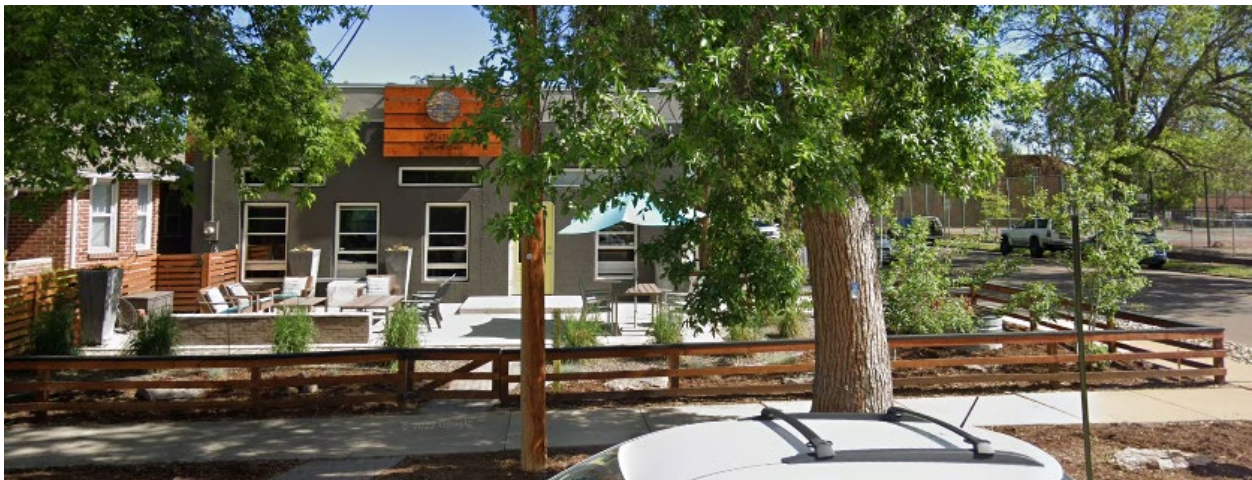
The surrounding properties to the west, north, and east are zoned U-TU-C, which is designated as a Protected District in the Denver Zoning Code. If the subject property is rezoned to U-MS-2x, it will be subject to all Protected District standards including additional setbacks and use limitations. For Protected District standards see DZC section 5.3.3 for building form setbacks and see applicable use limitations (11.4.8, 11.5.8.3, 11.10.12.1, etc.).

2. Existing Land Use Map



3. Existing Building Form and Scale

All images from Google Maps Street View



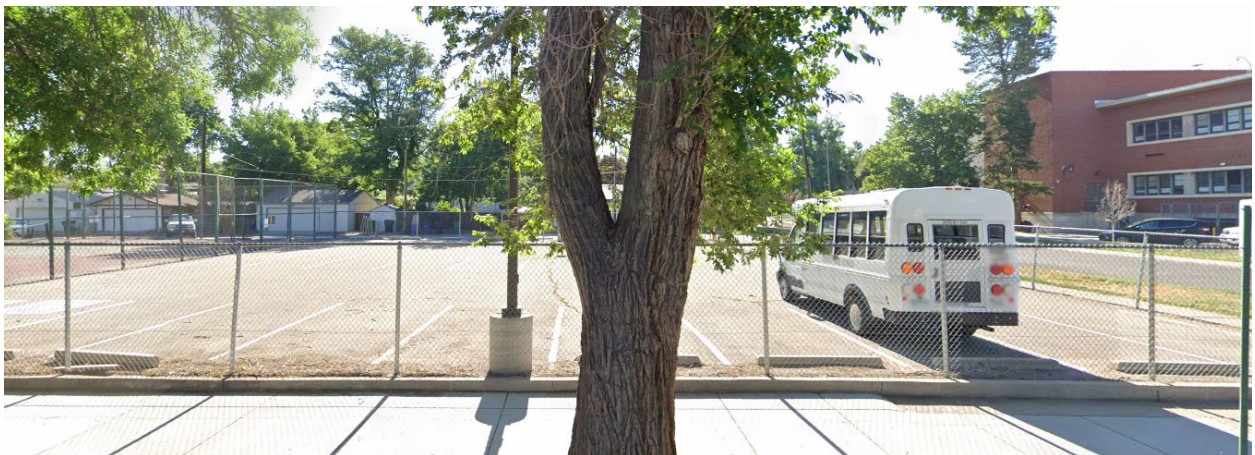
View of the subject property, looking north.



View of the subject property, looking west.



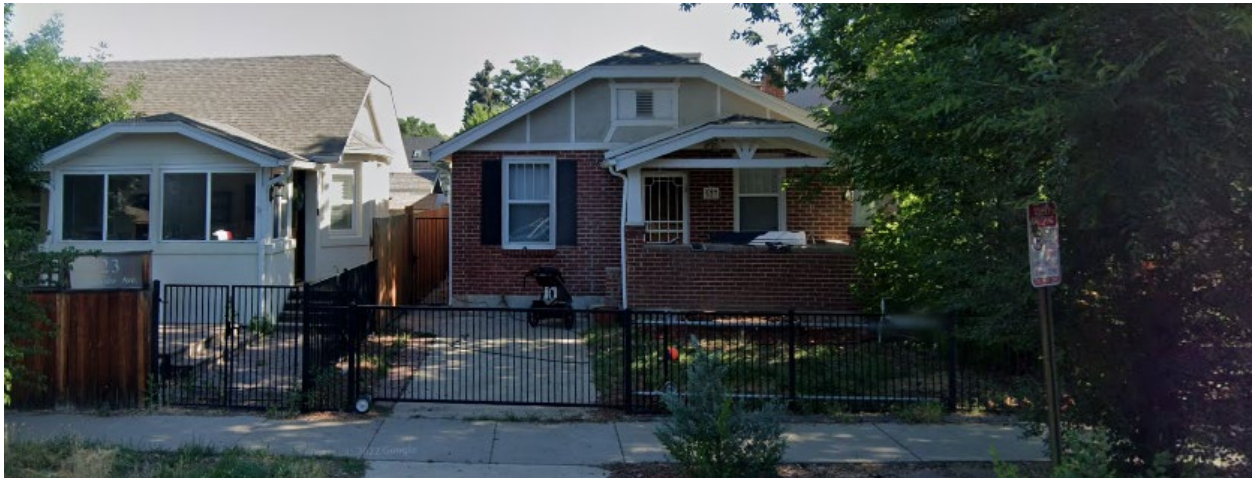
View of the property to the north, looking west.



View of the property to the east across South Pearl Street, looking east.



View of the property to the south across East Mexico Avenue, looking south.



View of the property to the west, looking north.

Proposed Zoning

U-MS-2x is a main street zone district limited to low scale building forms and low intensity uses that allows the Town House and Shopfront building forms with a maximum height of 2 stories or 30'. A variety of residential, commercial, and civic uses are permitted. Primary street setbacks vary from 10' minimum in the Town House building form and 0' in the Shopfront building form. If the site remains an office use, the vehicle parking requirements, 2/1,000 square feet, are slightly lower than the requirements of the PUD, 1/429 square feet. For additional details of the requested zone district see DZC Sections 5.2.3, 5.3, and 5.4.

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

Design Standards	PUD 316 (Existing)	U-MS-2x (Proposed)
Primary Building Forms Allowed	Existing Building	Town House and Shopfront
Stories/Heights (max)	1/12' (mechanicals can exceed by 6')	2/30'
Primary Build-To Percentages (min)	N/A	75%
Primary Build-To Ranges	N/A	0' to 15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	0'	0' to 10'*
Building Coverages	1,287 square feet or 44.3%	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 Comments

Denver Public Schools: Approved – No Response

Department of 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.

Denver Parks and Recreation: Approved – No Comments

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

Development Services – Project Coordination: Approve Rezoning Only – Will require additional information at Site Plan Review. Currently under a Site Development Plan Review (Concept phase, 1st Submittal); 2023-CONCEPT-0000004 / 2023-PROJMSTR-0000020

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Comments

Development Services- Wastewater: Approved – No Response

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:	6/3/22 <i>Revised 1/31/23</i>
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:	3/21/23
Planning Board Public Hearing: <i>Forwarding Recommendation of Approval</i>	4/5/23
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 (10) working days before the meeting:	4/15/23
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	4/25/23
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)	6/5/23 (Tentative)
City Council Public Hearing: (Tentative)	6/26/23 (Tentative)

Public Comments (see Attachment 2)

The summary below reflects comments received to date.

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received one letter of support from the Platt Park People's Association (3PA). They provided no commentary on the vote.
- **General Public Comments**
 - During the initial review period after the original submittal of the application, staff received 3 public comments. Two comments highlighted concerns about potential redevelopment on the subject property and one comment voiced support for the rezoning.

- During the review period after the application was revised and resubmitted on 1/31/23, staff has not received any public comment.

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)

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.

Economically Diverse and Vibrant Vision Element

The proposed rezoning would enable the expansion of development and uses on the existing site where a business is already embedded in the local neighborhood. The U-MS-2x would allow for a more diverse and expansive use of the site along South Pearl Street and is therefore consistent with the following strategies in the Economically Diverse and Vibrant vision element:

- Economically Diverse and Vibrant Goal 1, Strategy A – *Support business development and grow the talent necessary to compete in the global economy.*
- Economically Diverse and Vibrant Goal 3, Strategy A – *Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver.*

Environmentally Resilient Vision Element

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 7, Strategy C – *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures.*

- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

The requested U-MS-2x zone district broadens the variety of uses allowed on the site, encouraging continued use of the building and allowing residents to live and work in an area with an established mix of residential, commercial, and civic uses. Therefore, the rezoning is consistent with the *Denver Comprehensive Plan 2040* recommendations.

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 local 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 within the Urban neighborhood context. The Urban neighborhood context is described as "Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas" (p. 137).

The proposed U-MS-2x zone district is part of the Denver Zoning Code Urban Context that is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge”, and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods” (DZC Section 5.2.3.1). Staff finds that the proposed U-MS-2x zone district supports the description and goals of the Urban Future Neighborhood Context.

Blueprint Denver Future Places



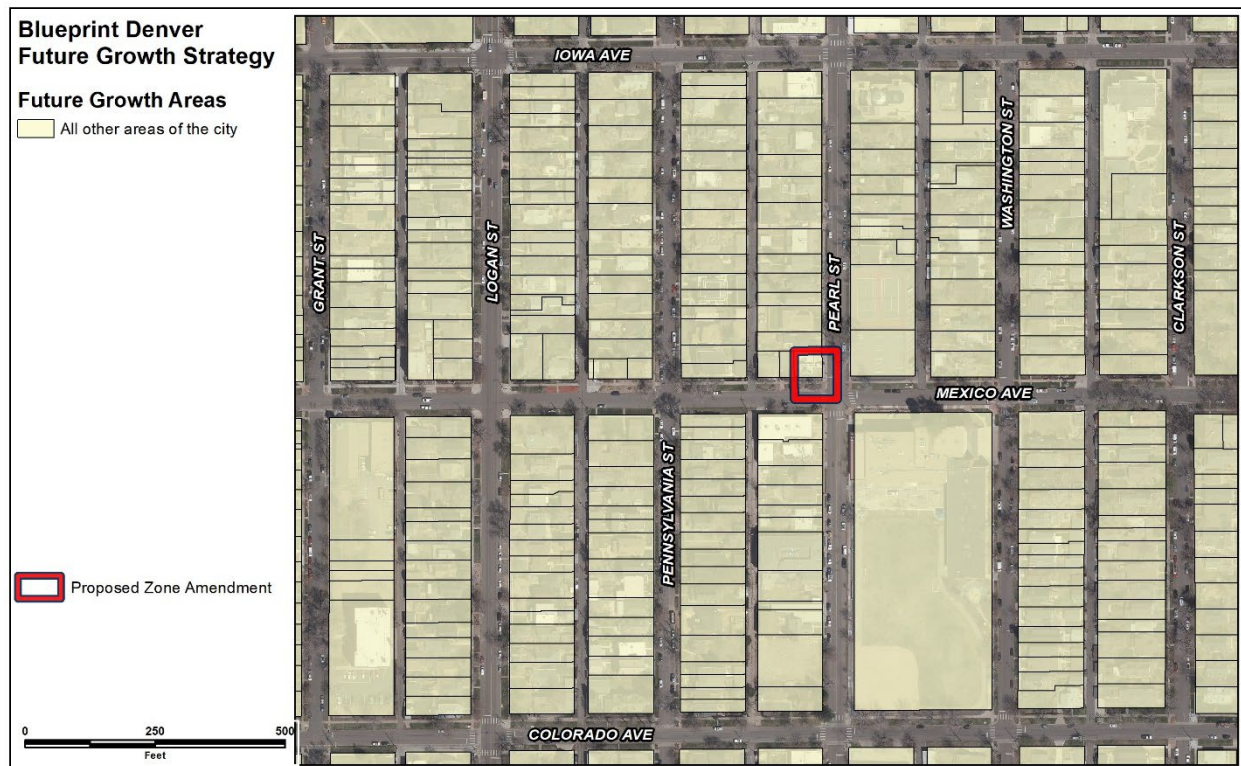
The future places map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 67). The subject property is mapped as Local Corridor in the Future Places Map. Buildings in Local Corridor Future Places “have a distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages. Heights are generally up to 3 stories” (p. 228). Staff finds that the proposed rezoning to U-MS-2x is consistent with the Local Corridor Future Place.

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). East Mexico Avenue is classified as a Local Street. Local streets “are designed for the highest degree of property access and

the lowest amount of through movement” (p. 154). South Pearl Street is classified as a Main Street Collector. Main Streets are “characterized by a mix of uses including retail, services and restaurants, as well as residential” (p. 158). The proposed U-MS-2x zone district is a main street zone district that is consistent with the Main Street Collector Future Street Type.

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 located within “All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040” (p. 51). The proposed map amendment to U-MS-2x is consistent with this map because will enable modest growth at this location.

Blueprint Denver Strategies

The following additional *Blueprint Denver* policies are applicable to the rezoning request:

Land Use and Built Form: General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.* (p. 73)

Land Use and Built Form: General Policy 3, Strategy B – *Limit the use of site-specific, customized zoning tools – such as Planned Unit Developments (PUDs) and waivers/conditions – to unique and*

extraordinary circumstances. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area. (p. 73)

Land Use and Built Form: Economics 4 – Promote creative industries, maker spaces, artists, and small businesses as vital components of Denver’s innovation economy. (p. 92)

The proposed zone district is consistent with the above strategies and policies because it will bring the site out of Former Chapter 59 and a custom zone district and into a standard Denver Zoning Code district. It will allow broader use of the site and existing building, therefore expanding opportunities for use by small businesses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-2x will result in regulations and restrictions that are uniform within the U-MS-2x districts across the city.

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 adopted plan policies related to supporting both reuse of existing buildings and neighborhood serving commercial uses.

4. Justifying Circumstance

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, “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: ... (c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The subject property has retained its Former Chapter 59 zoning since the city adopted the Denver Zoning Code, which represents an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-MS-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

According to the zone district intent stated in the Denver Zoning Code, the U-MS-2x district “applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses” (DZC Section 5.2.3.2.B). The subject property is one parcel embedded in an existing neighborhood at the intersection of one local and one Main Street collector. The proposed U-MS-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

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Attachments

1. Application
2. Public Comments