



TO: Land Use, Transportation and Infrastructure Committee of Denver City Council
FROM: Edson Ibañez, Senior City Planner
DATE: April 19th, 2023
RE: Official Zoning Map Amendment Application #2023I-00016

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends the Land Use, Transportation and Infrastructure Committee of Denver City Council move Application #2023I-00016 forward for consideration to Denver City Council.

Request for Rezoning

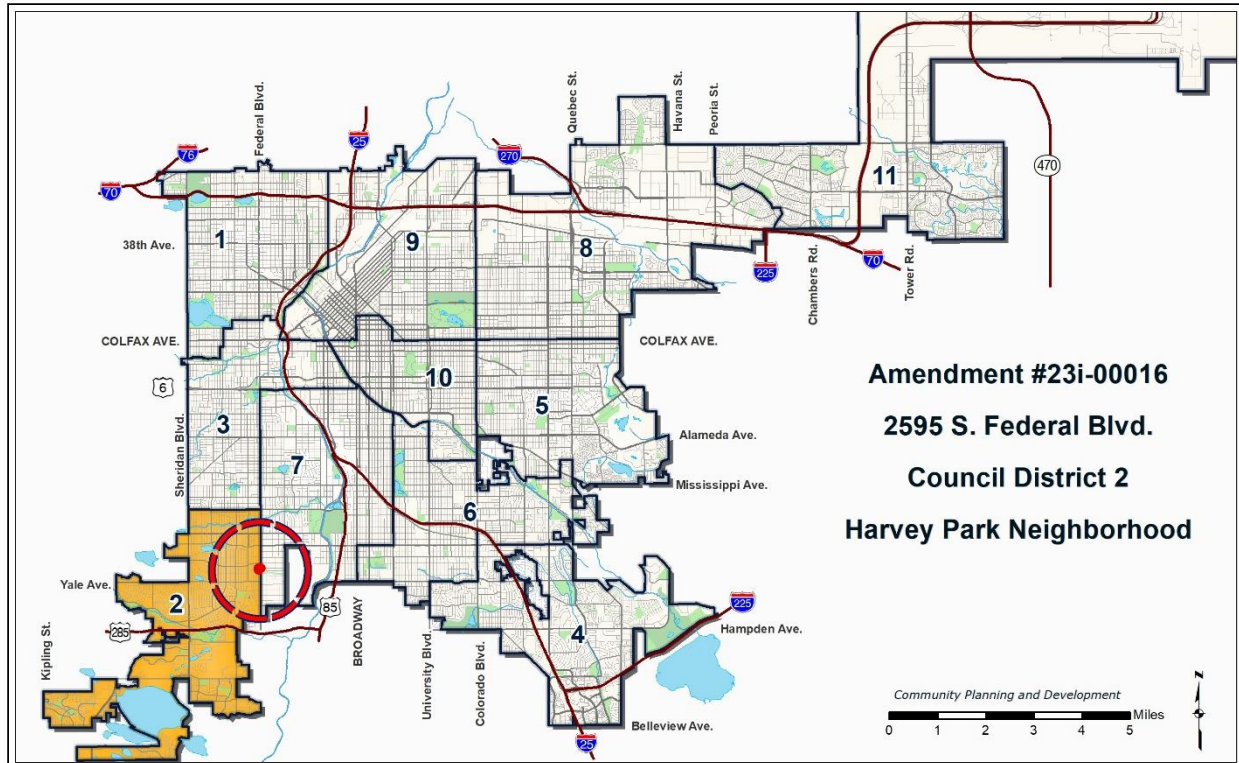
Address:	A portion of 2559 S. Federal Boulevard
Neighborhood/Council District:	Harvey Park Neighborhood / Council District 2
RNOs:	College View Neighborhood Association; South Mar Lee/Brentwood/Sharon Park Neighbors; Southwest Denver Unidos; Inter-Neighborhood Cooperation (INC)
Area of Property:	2,844 square feet or .06 acres
Current Zoning:	S-SU-D
Proposed Zoning:	S-MU-5
Property Owner(s):	Archdiocese of Denver
Owner Representative:	Robert Walker – Cushing Terrell

Summary of Rezoning Request

- The subject site is in the Harvey Park neighborhood near the southwest corner of S. Federal Boulevard and W. Vassar Avenue.
- In 2022, 2569 S Federal Blvd was rezoned from S-SU-D to S-MU-5. It was later discovered that an incorrect notation on the legal description for Ordinance 20210759 resulted in an error on the official map.
- The area impacted by this correction ordinance is shown in the maps beginning below.
- This proposal is submitted directly to the Council's Land Use, Transportation and Infrastructure Committee per Denver Zoning Code Sec. 12.4.10.4.D.2.b. which sets forth special procedures for correcting errors that occur as a result of rezoning ordinances.
- The Church of All Saints remains and is directly adjacent to the subject property.
- The applicant is requesting this rezoning to have flexibility to construct 100% deed-restricted low-income senior housing financed with Low-Income Housing Tax Credits (LIHTC). Archdiocesan Housing will serve as developer as well as the owner/operator.
- The proposed zone district, S-MU-5 (**S**uburban **M**ulti-**U**nit – **5** stories), allows for residential uses in the suburban house, duplex, row house, and apartment building forms up to a maximum height of five stories. Further details of the proposed zone district can be found in Article 3 of the Denver Zoning Code (DZC).

- The site is currently zoned S-SU-D (suburban context, single unit) which is a single-unit district allowing suburban houses with a minimum zone lot area of 6,000 square feet. Further details of the existing zone district can be found in Article 3 of the Denver Zoning Code (DZC).

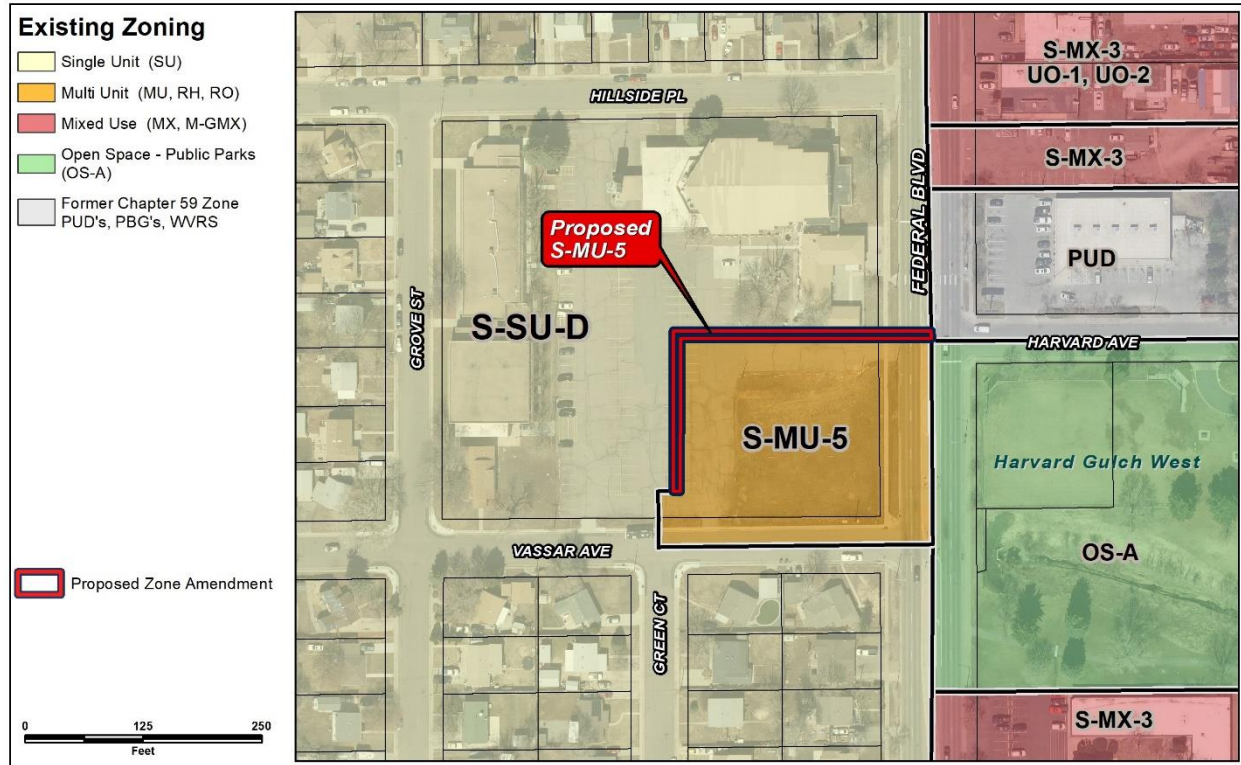
Existing Context





Summary map of base Zone District rezonings proposed by rezoning proposal 2021I-00023 (adopted rezoning ordinance 20210759). The area impacted by this proposed correction rezoning is highlighted.

1. Existing Zoning



The existing zoning on the subject site is S-SU-D, which is a single-unit 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.

Proposed Zoning

The requested zoning on the subject site is S-MU-5 (Suburban, Multi-unit, 5-story), which is a multi-unit zone district in the suburban neighborhood context. In the S-MU-5 zone district the Suburban House, Duplex, Row House, and Apartment building forms are allowed primary building forms. Maximum building height allowed is five stories or 65 feet depending on building form. For additional details of the requested zone district, see Article 3 of the DZC.

Summary of City Agency Referral Comments

Because this request specifically refers to an error on the Official Map caused by an incorrect notation preceding a legal description, review was only requested of Public Works Survey.
A summary of agency referral responses follows:

Public Works – City Surveyor: Approved, No Comments

Public Review Process

This rezoning proposal was referred directly to the Land Use, Transportation and Infrastructure Committee, without review or recommendation by the Denver Planning Board, as allowed under Denver Zoning Code, Section 12.4.10.4.D.2.b.

	Date
Land Use, Transportation, and Infrastructure Committee of the City Council:	4/24/2023
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):	5/15/2023
City Council Public Hearing (tentative):	6/5/2023

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received two comment letters in support from the College View Neighborhood Association.
- **Other Public Comment:** To date, staff has received one comment letter in support from the Church of All Saints Council and 12 pages of support from church members.

Criteria for Review / Staff Evaluation

This proposal would correct an error on the Official Map caused by an incorrect notation in the legal description for adopted Rezoning Ordinance 20210759, thereby implementing the original intent of that ordinance. The staff report for the original rezoning is included as an attachment to this report and contains the analysis conducted for that application.

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

This Official Map Amendment would implement the original intent of Rezoning Ordinance 20210759 as shown in exhibits attached that proposal. Consistency with all adopted plans is presumed from the City Council's findings of plan consistency in the original rezoning of the property.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MU-5 will implement the original intent of Rezoning Ordinance 20210759. Uniformity of District Regulations and Restrictions is presumed from the City Council's findings in the original rezoning of the property.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by correctly mapping the zone district originally intended by Rezoning Ordinance 20210759.

4. Justifying Circumstance

The proposed official map amendment is consistent with the Justifying Circumstance by correctly mapping the zone district originally intended by Rezoning Ordinance 20210759.

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

The proposed official map amendment consistent with Neighborhood Context Description, Zone District Purpose and Intent Statement by correctly mapping the zone district originally intended by Rezoning Ordinance 20210759.

Attachments

1. Application
2. Updated Legal Description showing revision in redline
3. Staff Report for Rezoning Proposal 2021I-00023, adopted as Rezoning Ordinance 20210759.