Community Planning and Development
Planning Services

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TO: Denver Planning Board
FROM: William Prince, Associate City Planner
DATE: March 15, 2024
RE: Official Zoning Map Amendment Application #2023I-00219

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 #2023i-00219 forward for consideration by the full City Council.

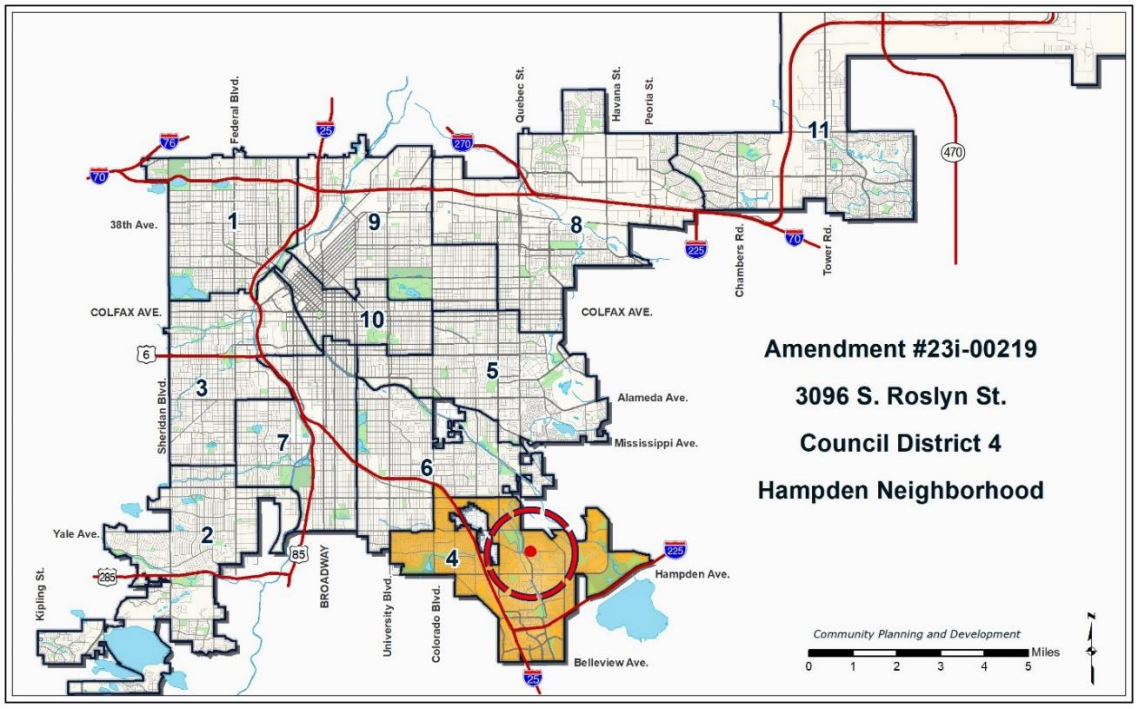
Request for Rezoning

Address:	3096 South Roslyn Street
Neighborhood/Council District:	Hampden/ Council District 4 – Councilmember Diana Romero Campbell
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Properties:	13,858 square feet or .32 acres
Current Zoning:	S-SU-D
Proposed Zoning:	S-SU-D1
Property Owner(s):	Valerie and Matthew Croskey

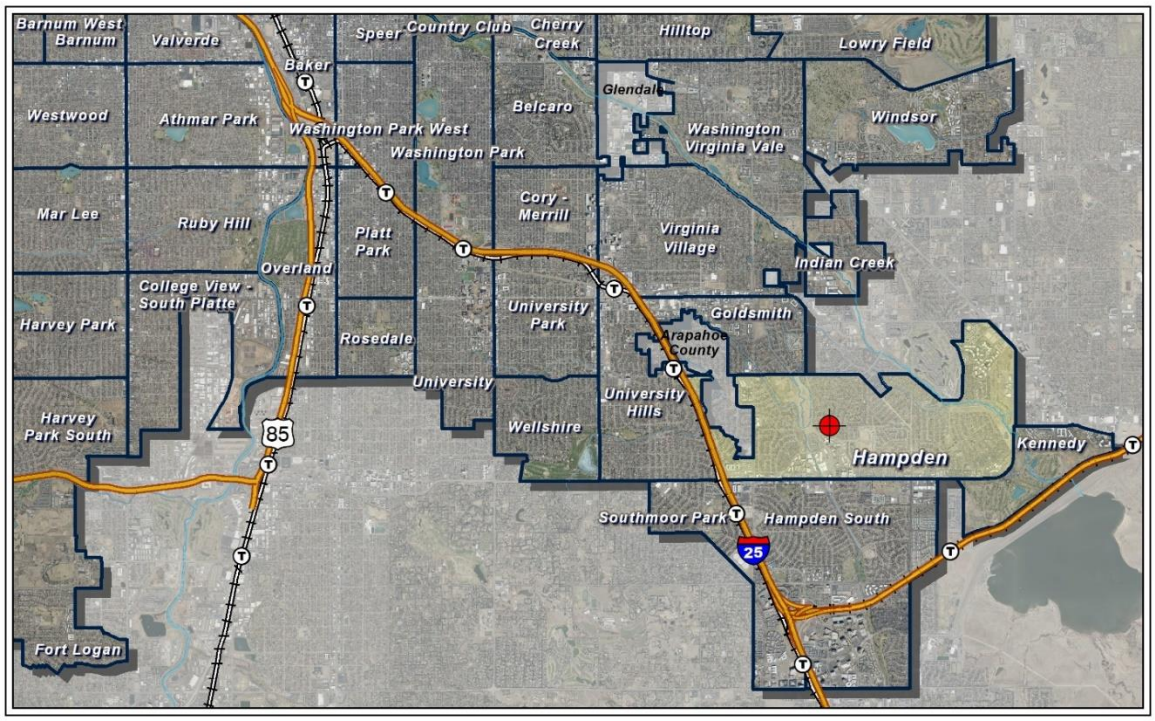
Summary of Rezoning Request

- The property at 3096 South Roslyn Street was built in 1977. The property owners are proposing to rezone their property to allow for an accessory dwelling unit (ADU).
- The proposed S-SU-D1, Suburban, Single-Unit, D1 allows suburban houses, with a minimum lot area of 6,000 square feet. The zone district is intended for use in the Suburban Neighborhood Context, which is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of the Suburban House building form with street-facing garages. Single-unit residential uses are primarily located away from residential and commercial arterial streets. The maximum height of the Suburban House building form is 30-35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 17 (one story option) to 24 feet (two-story option). Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

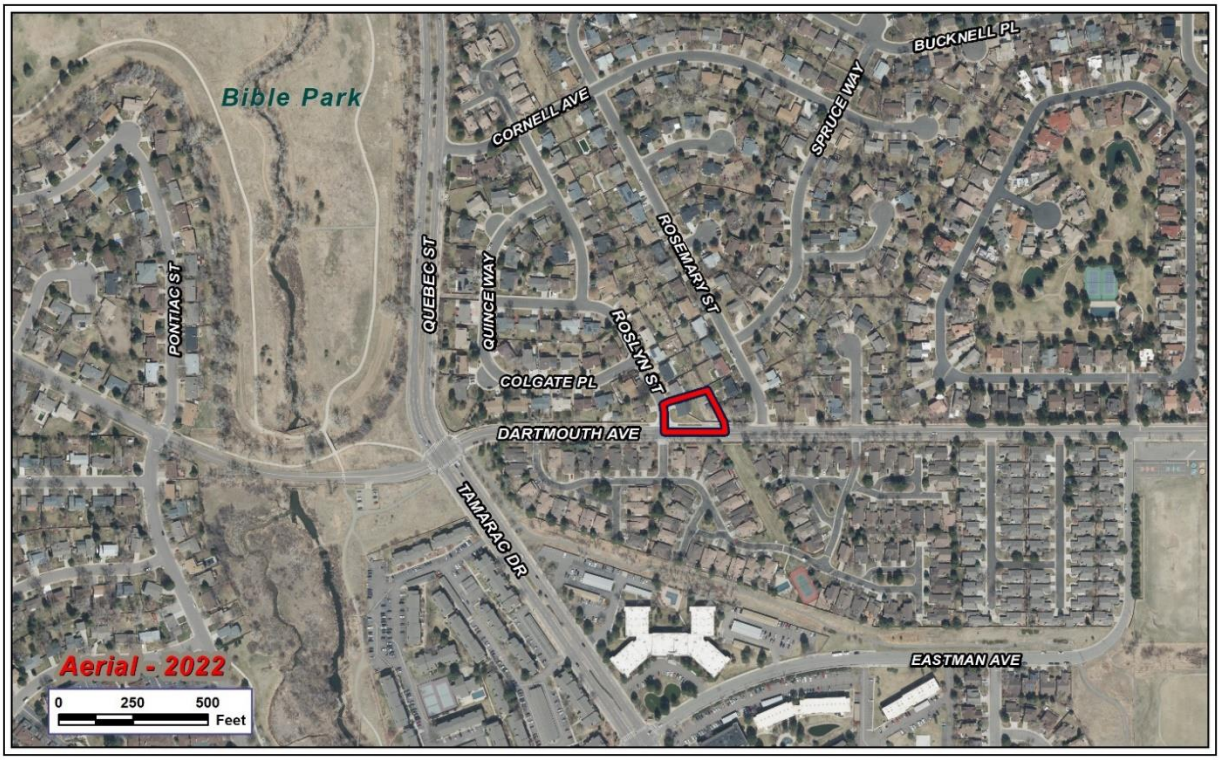
City Location



Neighborhood Location – Hampden Neighborhood



Existing Context



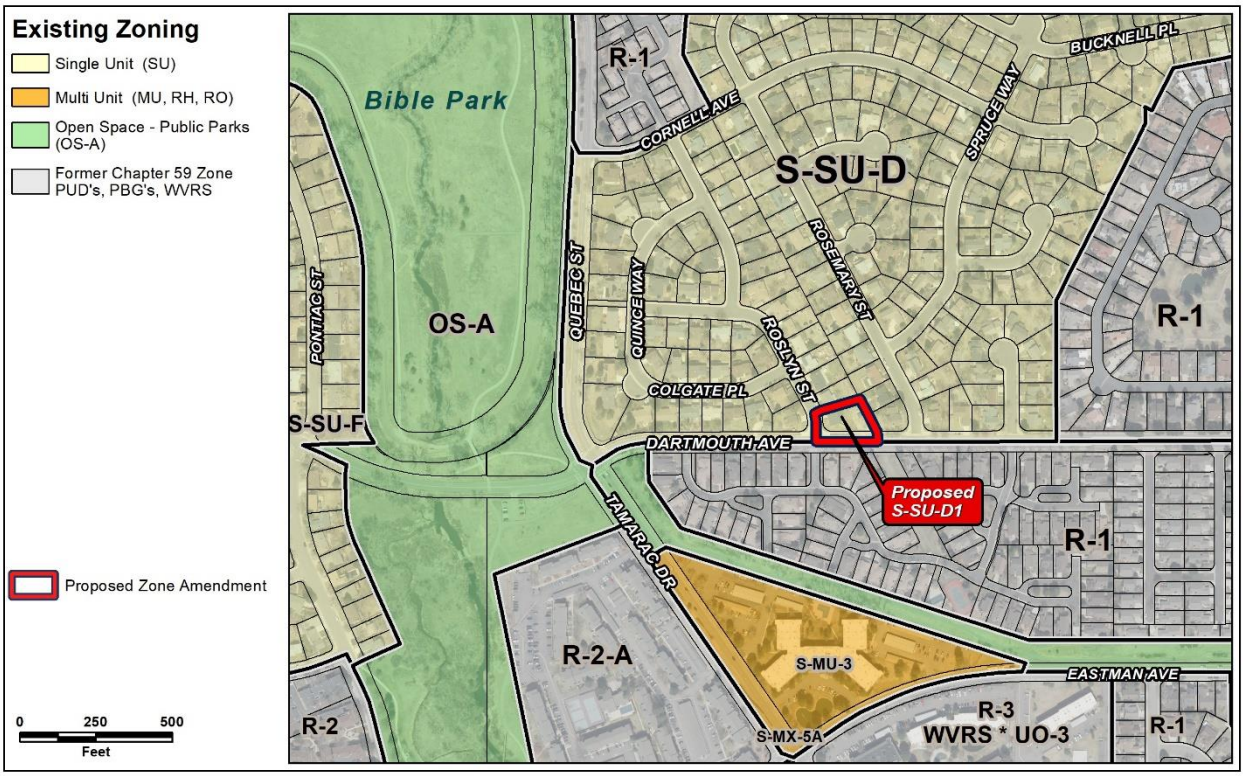
The subject property is in the Hampden statistical neighborhood, which is characterized mostly by single-unit detached residential uses, multi-unit complexes, open space, and commercial shopping centers. The subject property is between East 25th and East 23rd Avenues. It is less than two blocks from Bible Park as well as a RTD bus stop on South Quebec Street for Route 46 traveling north/south.

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
Subject Property	S-SU-D	Single-unit Residential	Split-story single-unit dwelling with attached garage	Irregular grid of streets; blocks are surrounded by curvilinear streets. Garages are frontloaded, as no alleys are present. Some sidewalks are present.
North	S-SU-D	Single-unit Residential	Split-story single-unit dwelling with attached garage	
South	R-1	Single-unit Residential	2-story single-unit dwelling with detached garage	
East	S-SU-D	Single-unit Residential	Split-story single-unit dwelling with attached garage	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	S-SU-D	Single-unit Residential	Split-story single-unit dwelling with attached garage	

1. Existing Zoning



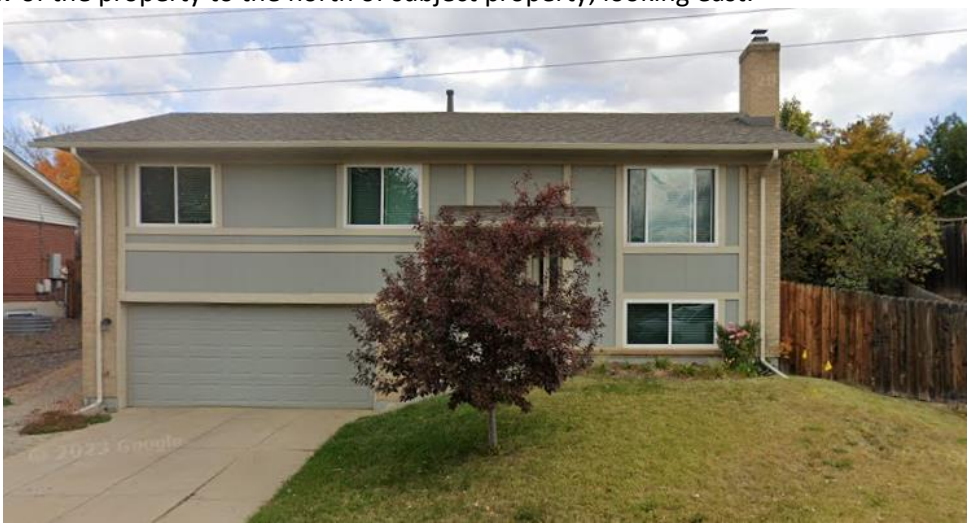
S-SU-D is a single-unit district that allows the Suburban House building form with a minimum zone lot area of 6,000 square feet and a minimum lot width of 50 feet. The maximum allowed height of the Suburban House building form is 30 to 35 feet. For the building form, the maximum building coverage per zone lot, including accessory structures, is 50%. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure, with maximum heights of 17’ and 15’ respectively. No vehicular parking is required for single-unit dwellings.

2. Existing Land Use Map

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

Subject Property - View of 3096 South Roslyn Street, looking east.

North - View of the property to the north of subject property, looking east.



South – View of the property to the south of subject property, looking east located across East Dartmouth Avenue.

East - View of the property to the east located on South Rosemary, looking west.

West – View of the property to the west across the street, looking east.

Proposed Zoning

The applicant is requesting to rezone to S-SU-D1, which allows the Suburban House building form on a zone lot with a minimum area of 6,000 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. The S-SU-D1 district also permits Detached Garage, Detached Accessory Dwelling Unit (DADU) and Other Detached Accessory Structure building forms, in addition to a variety of residential and civic uses permitted in the S-SU-D1 district. The S-SU-D1 district provides two options for the DADU building form: Option A (1 story) and Option B (2 story). Option A has a maximum height of 1 story or 17 feet with a minimum rear setback of 10'. Option B has a maximum height of 2 stories or 24' with a minimum rear setback of 20'. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. For zone lots greater than 7,000 square feet, the ADU building footprint may be a maximum of 1,000 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

The primary building forms and relevant standards of the detached accessory dwelling unit accessory building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	S-SU-D (Existing)	S-SU-D1 (Proposed)*
Primary Building Forms Allowed	Suburban House	Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 feet to 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 17 feet	1 story / 17 feet
DADU Maximum Heights in Stories / Feet	DADU not permitted	1 story/17 feet or 2 stories/24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Minimum Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
DADU rear setback	DADU not permitted	1 story/10 feet 2 story/20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	50%	50%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

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.

Development Services - Fire: Approved - No Comments.

Development Services – Project Coordination: Approved – No Comments.

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

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review does constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD 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. EQD 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. EQD 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.

EQD's limited review of the Site resulted in following comments associated with the proposed zone district and/or current or historical land uses:
EQD is not aware of environmental concerns that would affect the proposed rezoning Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

Department of Transportation & Infrastructure – City Surveyor: Approved - See Comments Below

Recommend adding the quarter section, township, and range to the description. As revised:

LOT 1, BLOCK 1, HUTCHINSON HILLS FILING NO. 23, LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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:	**01/03/2024**
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:	**2/06/2024**
Planning Board Public Hearing: (Recommended for approval on consent agenda)	**2/21/2024**
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:	**2/23/2024**
Land Use, Transportation and Infrastructure Committee of the City Council:	**3/19/2024**
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):	**04/15/2024** (tentative)
City Council Public Hearing:	**05/06/2024** (tentative)

Registered Neighborhood Organizations (RNOs)
To date, staff has received no comment letters from Registered Neighborhood Organizations.

Other Public Comment
To date, staff has received one comment letter in support and four comment letters in opposition stating concerns of traffic/parking and rental properties.

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:

- 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).

S-SU-D1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that are most common in Hampden.

- Strong and Authentic Neighborhoods Goal 1, Strategy B.: "Ensure neighborhoods offer a mix of housing types and services for a diverse population" (p. 34).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows

Denver to grow responsibly and promotes land conservation. Because it implements the strategies cited above, the rezoning is consistent with *Comprehensive Plan 2040.*

Blueprint Denver

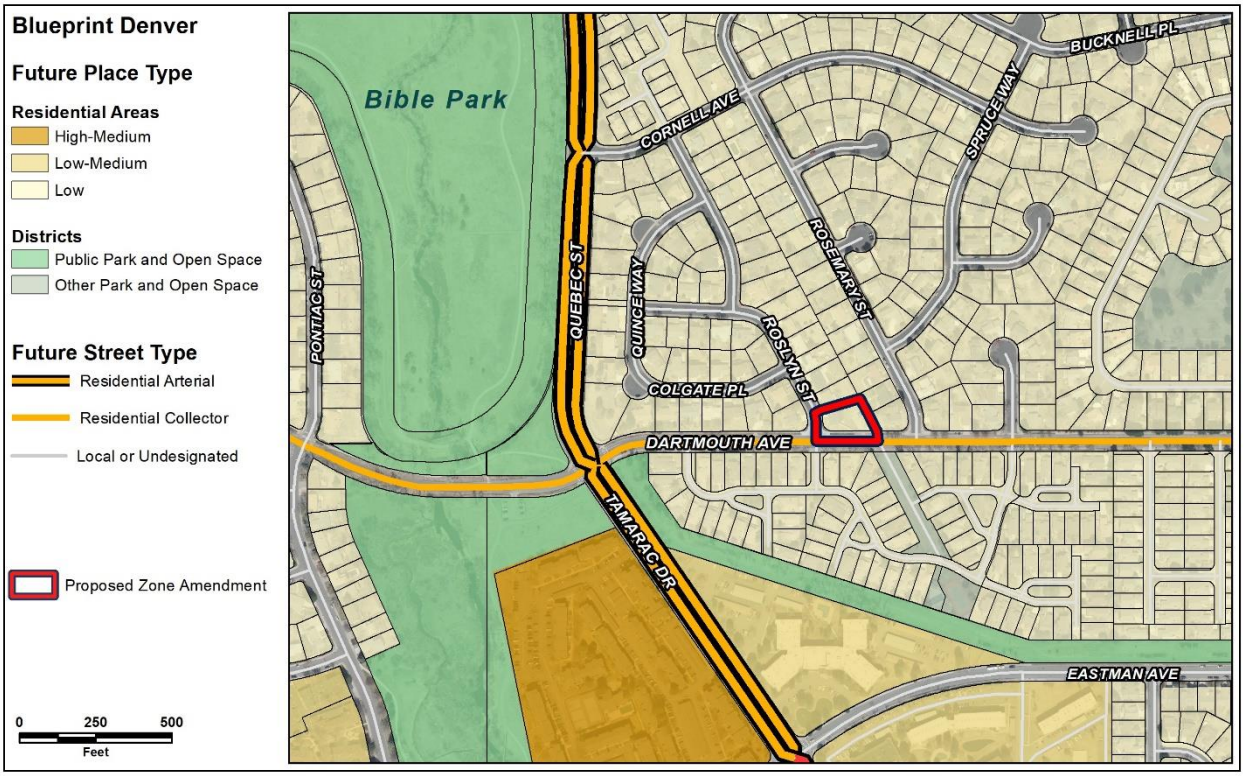
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential place within the Urban Neighborhood Context and provides guidance on 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 land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Suburban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Suburban neighborhood context is described as containing "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." (p. 189). S-SU-D1 is a zone district within the Suburban neighborhood context and is "to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context" and "the building form standards, design standards and uses work together to promote desirable residential areas" (DZC 3.2.2.1). S-SU-D1 is consistent with the *Blueprint Denver* future Suburban neighborhood context because it will promote the

residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

***Blueprint Denver* Future Place Type**



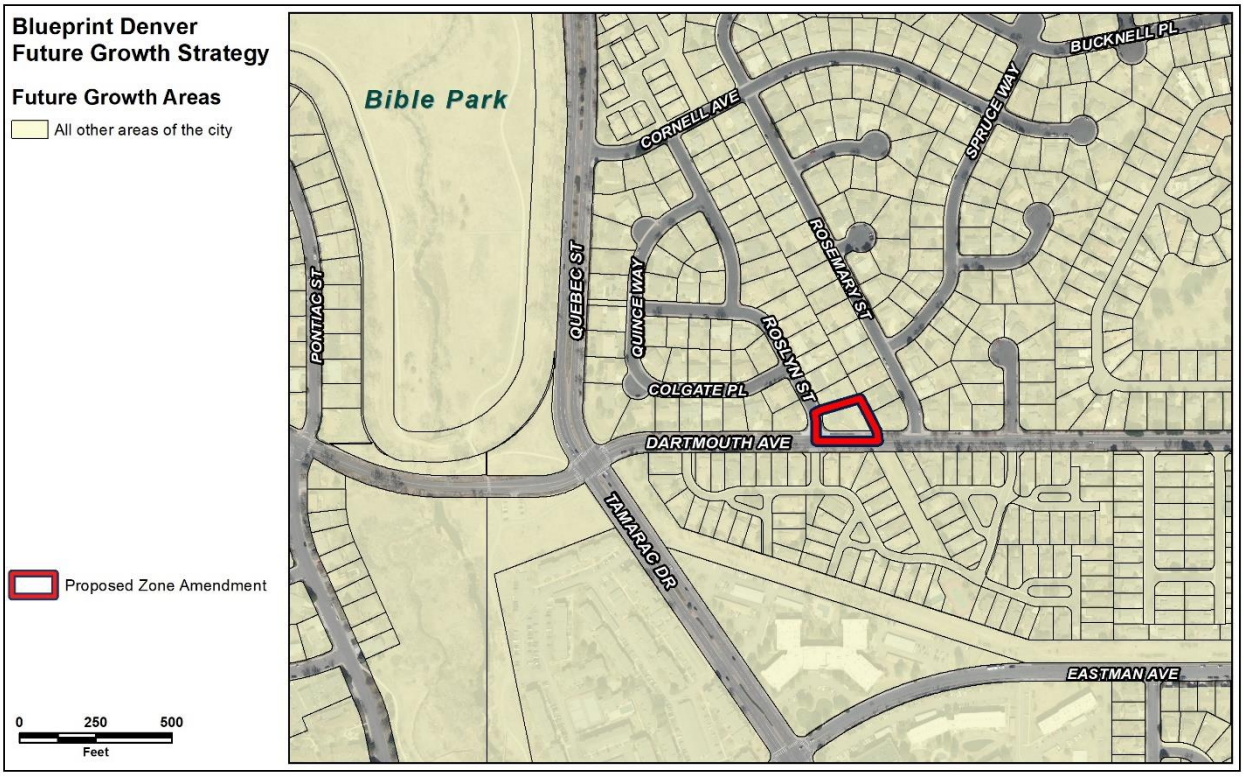
The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place Type map. This place type is "predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible," and "building heights are generally up to 2.5 stories in height" (p. 230). S-SU-D1 is a single-unit residential district that allows for an additional dwelling unit accessory to a primary single-unit residential use, which is consistent with the Low Residential future place description. It allows the Suburban House building form, which has a maximum height of 2.5 stories, also consistent with the future place type map.

***Blueprint Denver* 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 South Roslyn Street as a Local or Undesignated Street. "Local streets can 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 abutting street, Dartmouth Avenue, is classified as a Residential Collector. Collector streets serve medium distance trips

with moderate speeds and move a moderate volume of traffic with medium distance trips. The proposed S-SU-D1 zone district is consistent with this description because it allows for residential and some civic uses.

***Blueprint Denver* 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 included as "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). These growth areas are "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to S-SU-D1 will allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each site and is therefore consistent with the growth strategy.

***Blueprint Denver* Strategies**

Blueprint Denver provides recommendations related to rezoning to allow for ADUs.

- Housing Policy 4 Strategy E: "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting

ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area." (p. 84).

- Housing Policy 5: "Remove barriers to constructing accessory dwelling units and create context-sensitive form standards." (p. 84).

This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations. In addition, the rezoning of the subject property will remove the prohibition on the construction of an accessory dwelling unit.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-SU-D1 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 land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as 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; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested S-SU-D1 zone district is within the Suburban Neighborhood Context. The neighborhood context "is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of the Suburban House building form with street-

facing garages." (DZC, Division 3.1.1). The Hampden neighborhood consists of mostly single unit residential uses in curvilinear streets with driveway access and some sidewalks. The proposed rezoning to S-SU-D1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context (DZC Section 3.2.2.1). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed S-SU-D1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale ADU in the rear yard.

The specific intent of the S-SU-D1 zone district is a single unit district allowing suburban houses with a minimum zone lot area of 6,000 square feet and accessory dwelling units. (DZC 3.2.2.2.D). Therefore, rezoning this site to S-SU-D1 is consistent with the neighborhood context description.

Attachments

1. Application
2. Public Comments