Community Planning and Development
Planning Services

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
p: 720.865.2915
f: 720.865.3052
www.denvergov.org/CPD

TO: Land Use, Transportation, and Infrastructure Committee
FROM: Fritz Clauson, AICP, Associate City Planner
DATE: March 14, 2024
RE: Official Zoning Map Amendment Application #2023I-00113

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-00113 forward for consideration by the full City Council.

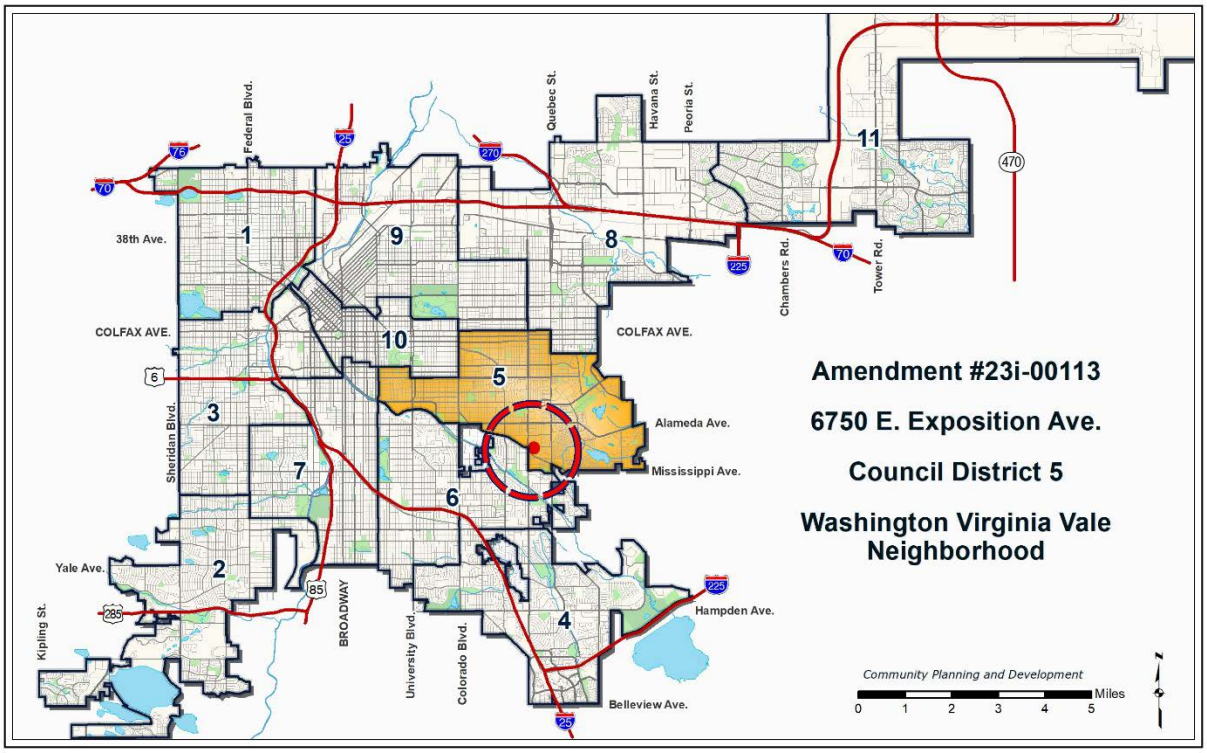
Request for Rezoning

Address:	6750 E Exposition Ave.
Neighborhood/Council District:	Washington Virginia Vale / Council District 5 – Amanda Sawyer
RNOs:	Inter-Neighborhood Cooperation (INC), Winston Downs Community Association, Strong Denver
Area of Property:	13,000 square feet or 0.29 acres
Current Zoning:	S-SU-F
Proposed Zoning:	S-SU-F1A
Property Owner(s):	Ben Wiederholt

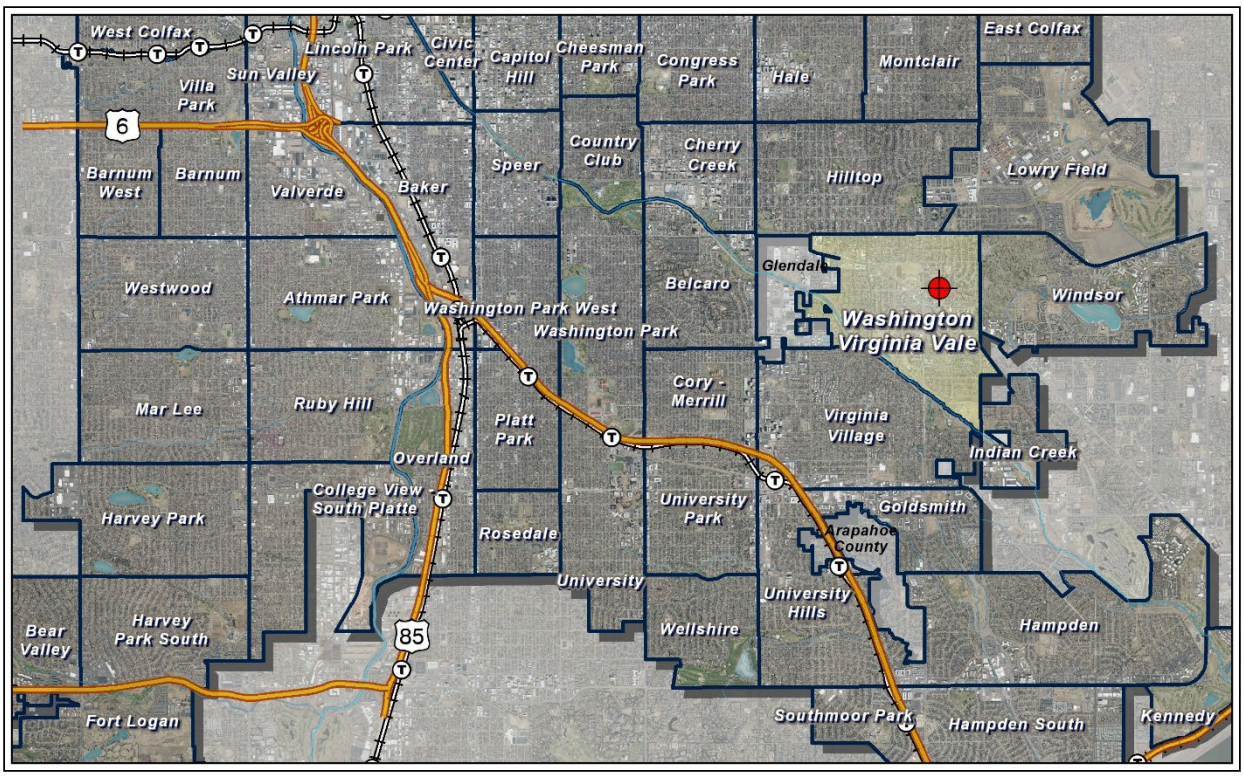
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1963, located five parcels east of the intersection of South Monaco Parkway and East Exposition Avenue.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU).
  - The proposed S-SU-F1A, **S**uburban, **S**ingle-**U**nit, **F1A** (8,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) 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 uses are typically located away from residential and commercial arterial streets and use the Suburban House building form. The Suburban House building form allows up to 30 to 35 feet in height and a 10-foot side bulk plane vertical height for the entirety of the zone lot depth. The Detached Accessory Dwelling Unit form can be a maximum height of 17 feet for a single-story structure or 24 feet for a two-story structure, depending on the option used. 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 – Washington Virginia Vale


West Colfax
Lincoln Park
Civic Center
Capitol Hill
Cheesman Park
Congress Park
Hale
Montclair
East Colfax
Villa Park
Sun Valley
6
Barnum West
Barnum
Valverde
Baker
Speer
Country Club
Cherry Creek
Hilltop
Lowry Field
Westwood
Athmar Park
Washington Park West
Washington Park
Belcaro
Glendale
Washington Virginia Vale
Windsor
Mar Lee
Ruby Hill
Platt Park
Cory - Merrill
Virginia Village
Indian Creek
Overland
College View - South Platte
Harvey Park
Rosedale
University Park
Goldsmith
Arapahoe County
University
University Hills
Bear Valley
Harvey Park South
85
Wellshire
Hampden
Fort Logan
Southmoor Park
Hampden South
Kennedy

CENTER AVE
ONEIDA WAY
NEWPORT ST
MONACO STREET PKWY
EXPOSITION AVE
LEETSDALE DR
ONEIDA ST
WALSH PL
OHIO DR
OHIO AVE
Aerial - 2022
0
250
500
Feet

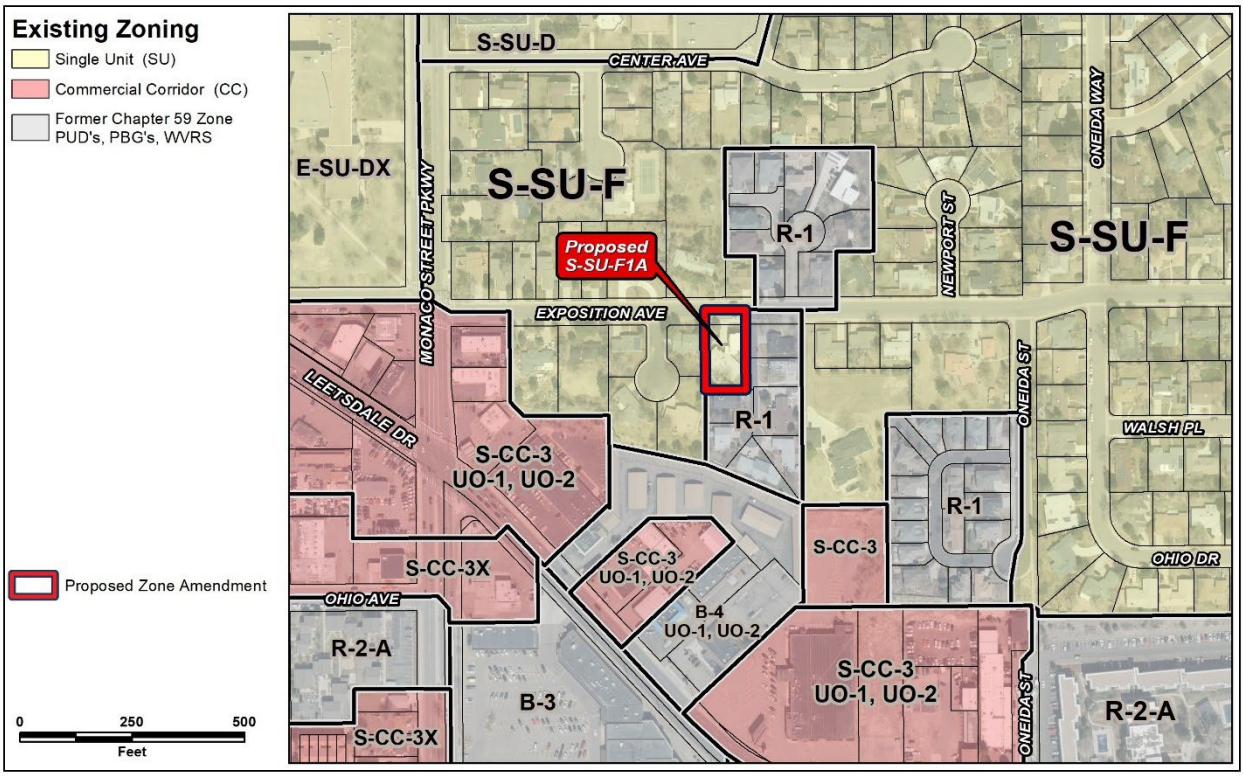
1. Existing Context

The subject property is in the Washington Virginia Vale statistical neighborhood, which is characterized mostly by single-unit residential uses and a mix of commercial corridor and residential uses along Leetsdale Drive. There is a pattern of irregular semi-rectangular blocks mixed with suburban cul-de-sacs, with vehicle access provided by driveways. The subject property is .14 miles from George Washington High School and .37 Garland North Greenbelt Park. There are RTD stops at South Monaco Parkway and E Exposition Avenue for bus route 65, which has half-hourly headways, and at Leetsdale Drive and South Monaco Parkway for bus routes 83L/D, which has 15-minute peak headways.

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

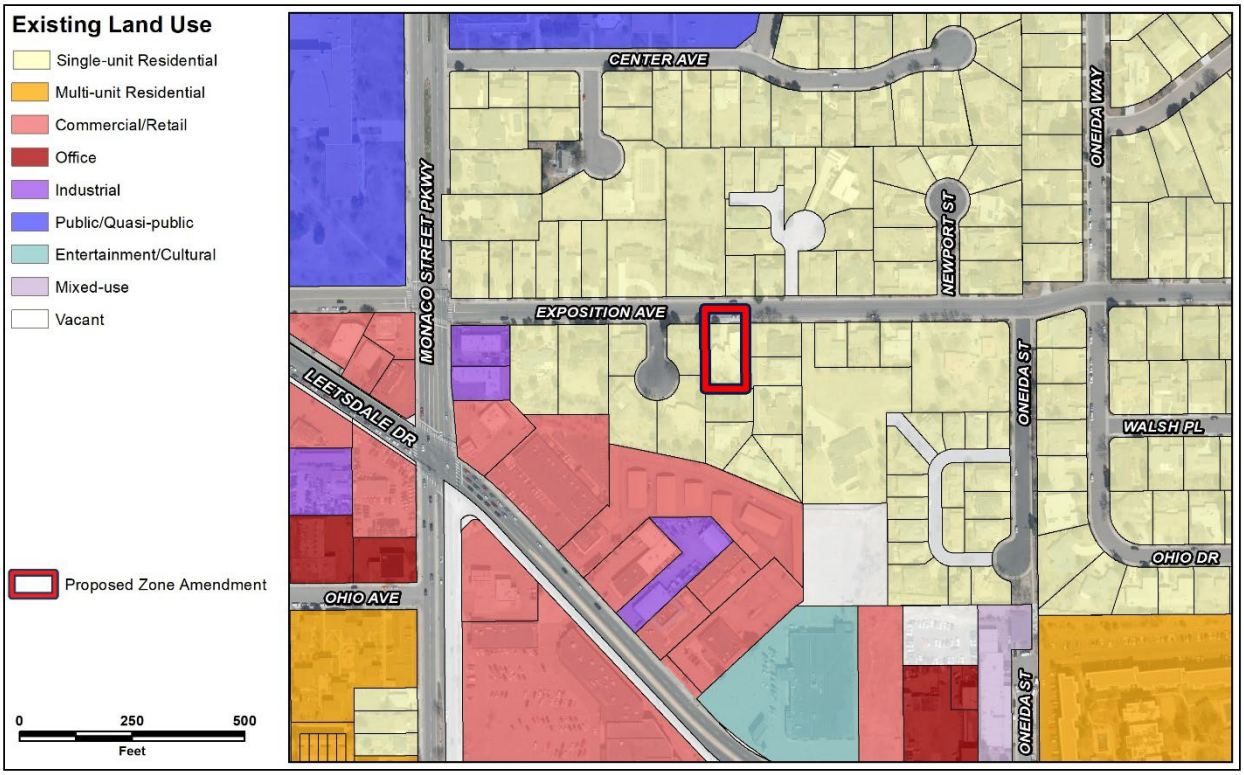
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-F	Single-unit Residential	2 story house with driveway on E Exposition Ave with attached garage	Intermittent street grid with irregular block sizes and shapes and private driveways/cul-de-sacs. Attached sidewalks with deep setbacks. Attached garages with driveways and on-street vehicle parking.
North	S-SU-F	Single-unit Residential	1 story house with driveway on E Exposition Ave with attached garage	
South	R-1 (Former Chapter 59)	Single-unit Residential	2 story house on private shared driveway off E Exposition Ave with attached garage	
East	S-SU-F	Single-unit Residential	1.5 story house on private shared driveway off E Exposition Ave with attached garage	
West	R-1 (Former Chapter 59)	Single-unit Residential	1.5 story house on private shared driveway off E Exposition Ave with attached garage	

2. Existing Zoning



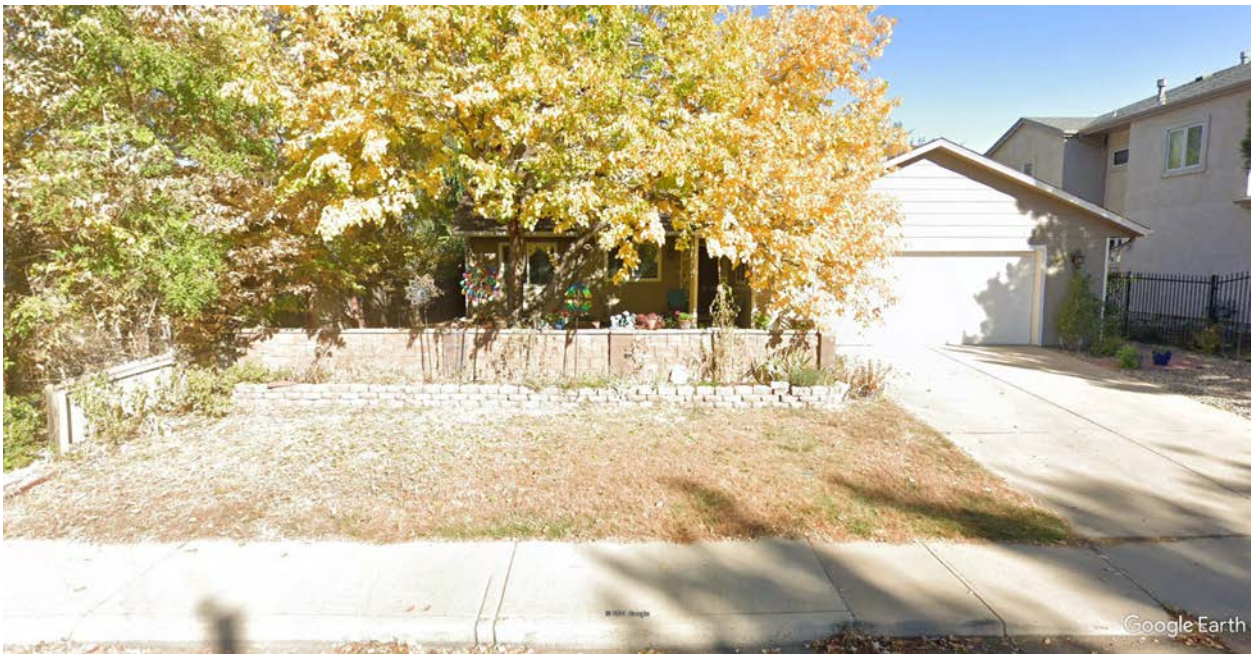
The S-SU-F zone district is a single-unit district allowing the Suburban House primary building form on a minimum zone lot of 8,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. S-SU-F allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context.

3. Existing Land Use Map



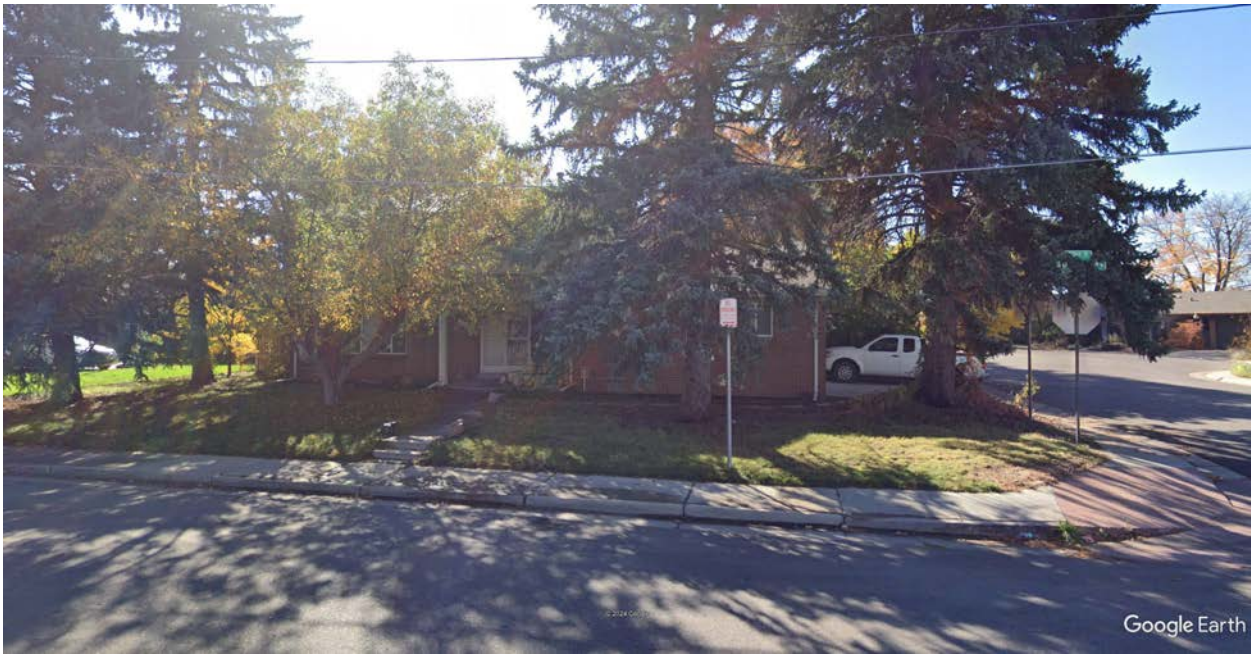
4. Existing Building Form and Scale (all images from Google Earth)

Subject Site - View of the subject property, looking south.

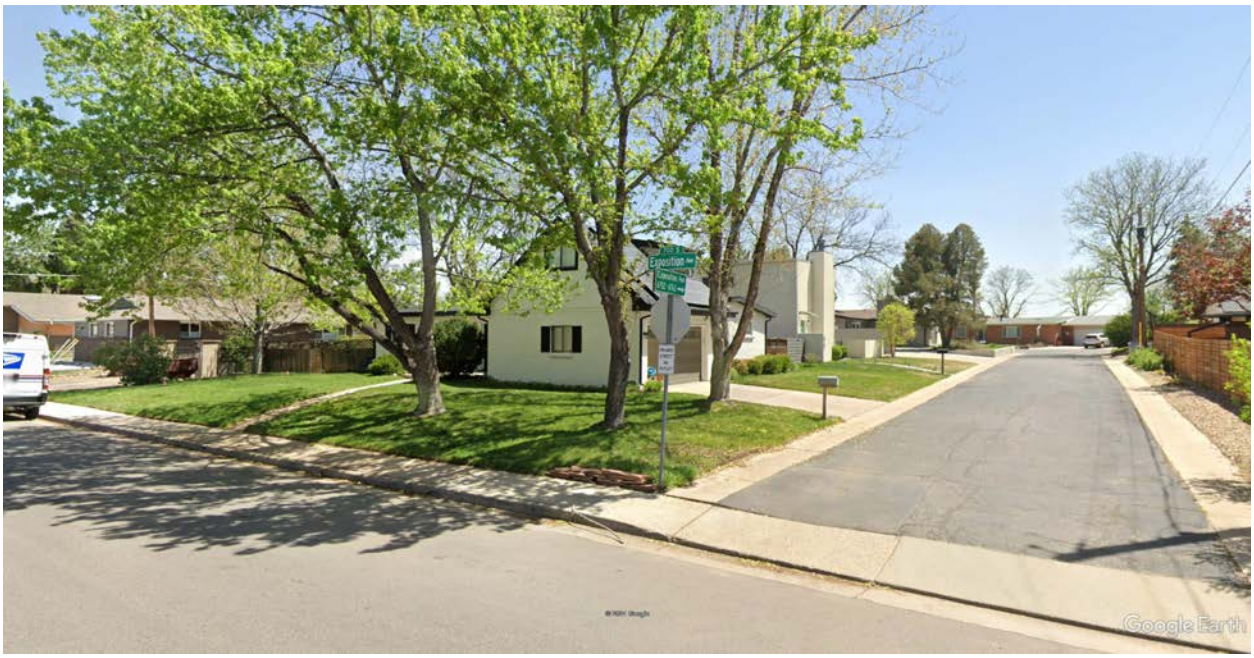


North - View of the property to the north, looking north

South – Image not available due to private drive.



East - View of properties to the east, looking south.



West - View of the properties to the west, looking south.

Proposed Zoning

The S-SU-F1A zone district is a single-unit district allowing the Suburban House primary building form on a minimum zone lot of 8,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. S-SU-F1A allows three accessory structure forms: Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures. The intent of the district is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. The primary difference between the existing S-SU-F and the proposed S-SU-F1A zone districts is the allowance for the Accessory Dwelling Unit use and Detached Accessory Dwelling Unit building form.

The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 1 story or 17 feet for a freestanding DADU or 2 stories or 24 feet for a DADU on top of a detached garage. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. The subject site has a lot size of 13,000 square feet, allowing a maximum gross floor area of 1,000 square feet for the ADU.

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

Design Standards	**S-SU-F (Existing)**	**S-SU-F1A (Proposed)**
Primary Building Forms Allowed	Suburban House	Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories/35 feet	2.5 stories/35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	2.5 stories/35 feet	2.5 stories/35 feet

Design Standards	S-SU-F (Existing)	S-SU-F1A (Proposed)
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	10 feet / 10 feet	10 feet / 10 feet
DADU Maximum Heights in Stories / Feet	DADUs not permitted	Option A: 1 story / 17 feet; Option B: 2 stories / 24 feet
Zone Lot Size (Min.)	8,500 square feet	8,500 square feet
Zone Lot Width (Min.)	62.5 feet	62.5 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.)*	5 feet	5 feet
Rear Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 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

*Based on subject property width of 90 feet

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 Response.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review.
1) The property will need to obtain building permits and zoning use and construction permits before construction can commence.
2) Plan reviews will be conducted by Residential Review Team.
3) All new construction will need to comply with determined building form standards and DZC requirements.

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 project 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 is not aware of environmental concerns that would affect the proposed project. 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.

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.

Department of Transportation & Infrastructure – City Surveyor: Approved – See Comments Below.
Recommend adding the quarter section, township, and range to the description.

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:	**11/22/2023**
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:	**1/23/2023**
Planning Board Public Hearing:	**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**:**	**3/5/2024**
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):**	**4/15/2024**
City Council Public Hearing **(tentative):**	**5/6/2024**

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has received one comment letter from Registered Neighborhood Organizations. The letter, from the Winston Downs Community Association, expressed support of the application, provided that any new ADU be assigned a unique address to assist emergency services.
- **Other Public Comment**
  - To date, staff has received one comment letter in opposition from the public.

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)
- Near Southeast Area Plan (2023)

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-F1A 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-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the Belcaro neighborhood.

- 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.

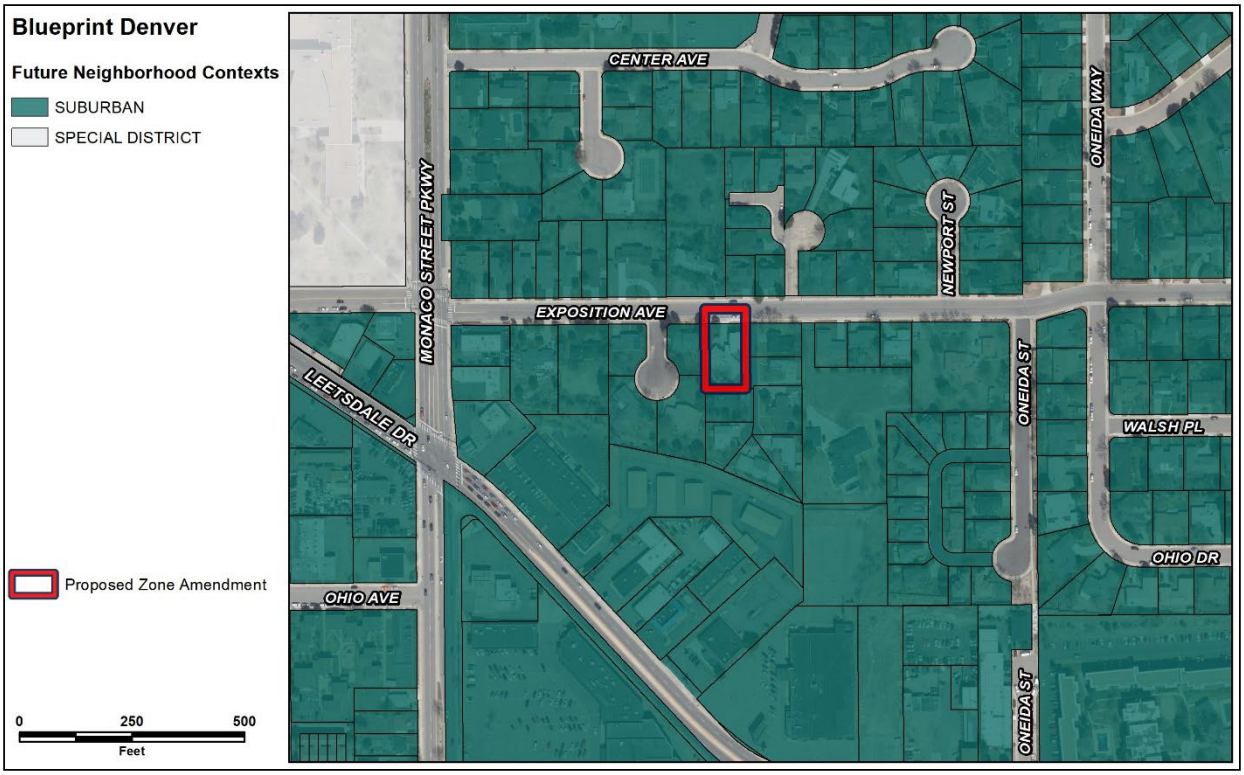
- Environmentally Resilient Goal 8, Strategy A – "Promote infill development where infrastructure and services are already in place" (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing single-unit home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

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 Low-Medium Residential future place within the Suburban future neighborhood context and provides guidance on the future growth strategy for the city.

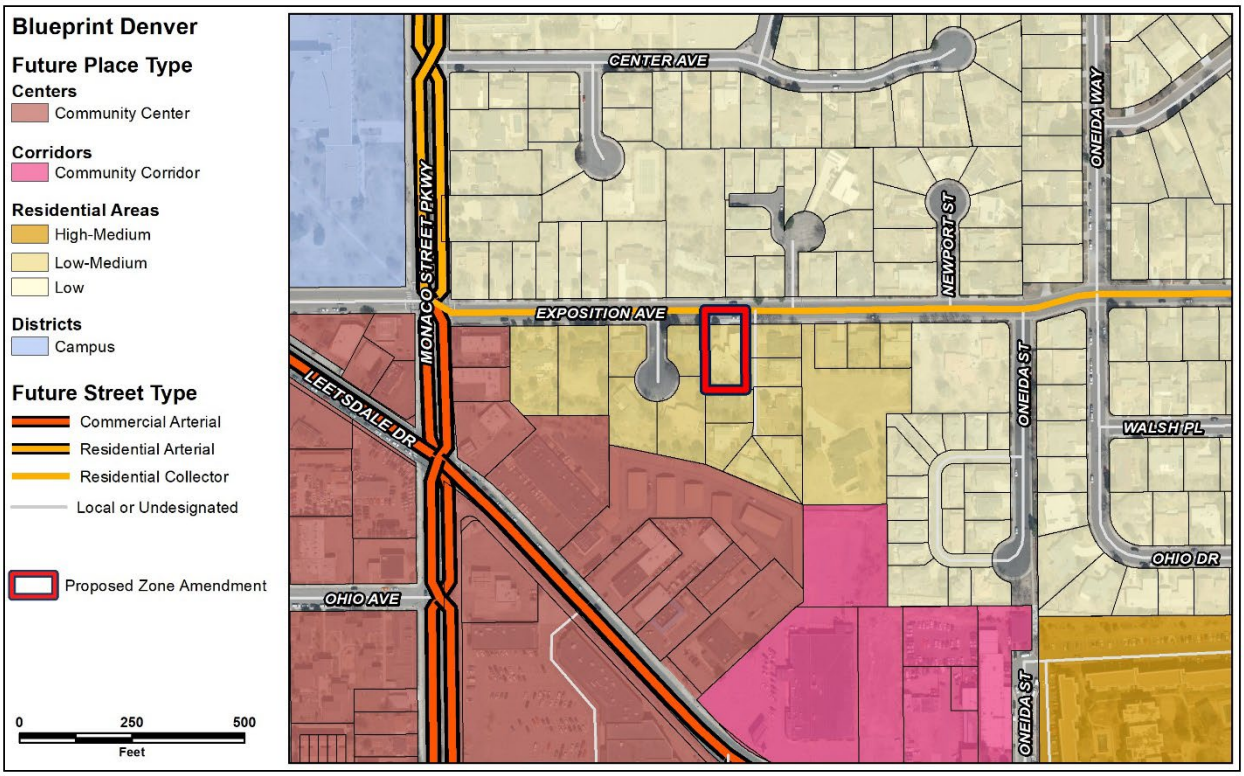
***Blueprint Denver* Future Neighborhood Context**



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 the Suburban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Suburban neighborhood context contains "the most varied development in Denver's neighborhoods," and "Homes in this context are largely single-unit, but can also include higher intensity residential" (p. 189).

S-SU-F1A is a zone district within the Suburban neighborhood context and is "intended 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 Section 3.2.2.1). S-SU-F1A is consistent with the *Blueprint Denver* future neighborhood context of Suburban 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**

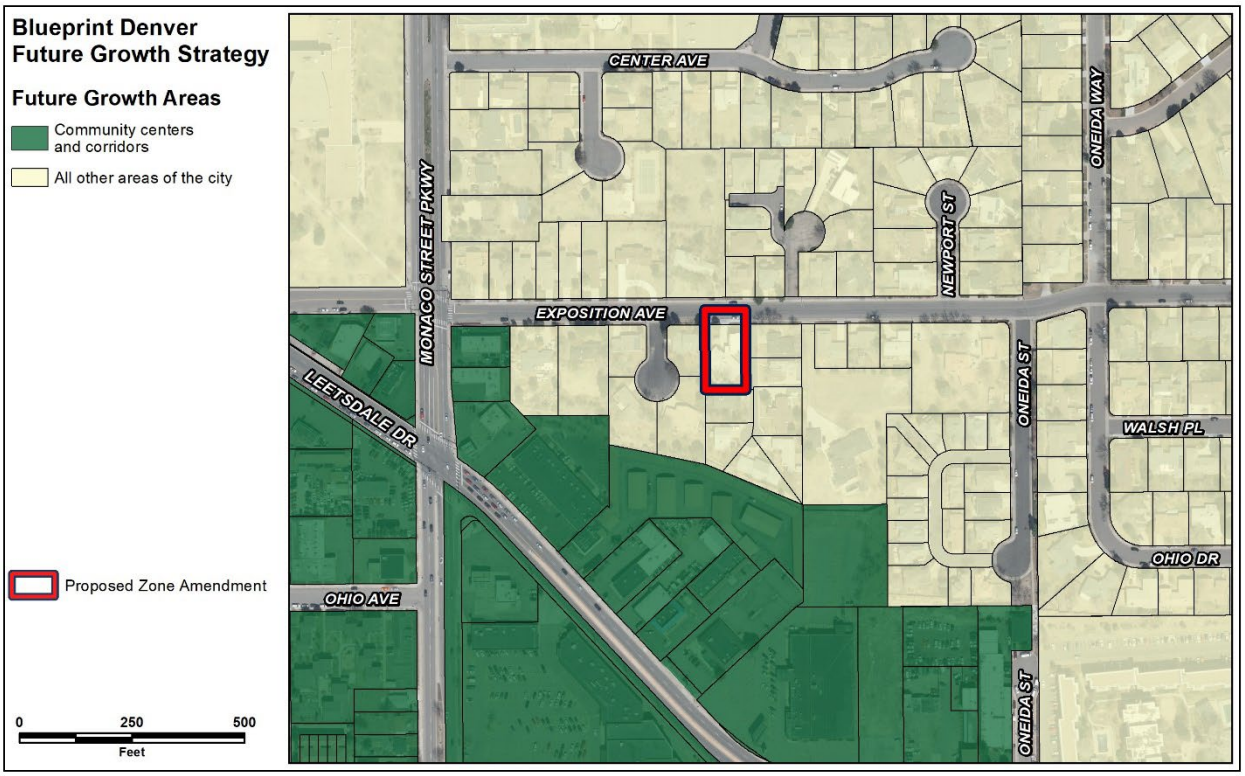


The subject site is designated within a Residential Low-Medium future place on the *Blueprint Denver* Future Places map (this place type was updated by the *Near Southeast Area Plan* in 2023). This place is a "Mix of low- to mid-scale multi-unit residential options," where "Small-scale multi-unit buildings are interspersed between single- and two-unit residential" and "Buildings are generally 3 stories or less in height." (p. 201). S-SU-F1A is a single-unit residential district that allows for an additional dwelling unit accessory to a single-unit home, consistent with the Residential Low-Medium future place description. It allows the Suburban House primary building form, which has a maximum height of 2.5 stories, also consistent with the future place description in *Blueprint Denver*.

***Blueprint Denver* Future 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 East Exposition Avenue as Residential Collector Future Street Type, along which the land use and built form is described as, "Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses" (p. 160). The proposed S-SU-F1A district is consistent with this description as 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 part of the "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). This growth area is "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-F1A will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver **Strategies**

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

- 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).

This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

Near Southeast Area Plan

The *Near Southeast Area Plan*, adopted May 22nd, 2023, updated the recommendations in *Blueprint Denver* and provides vision and policy guidance for land use, urban design, housing, mobility, parks, and the local economy in Washington Virginia Vale and other adjacent neighborhoods.

- ADUs—Land Use Goal LU.8.B. supports "the addition of affordable and compatible accessory dwelling units (ADUs) in Near Southeast," and supports "support neighborhood-wide and individual rezonings to allow ADUs" until a citywide approach is adopted.
- Future Place—*The Near Southeast Area Plan* updated the recommended place for this property from Blueprint Denver's "Residential Low" to the current "Residential-Low-Medium." In the *Near Southeast Area Plan,* Suburban Residential Low-Medium is described as a "Mix of low- to mid-scale multi-unit residential options. A variety of lower scale residential forms including row houses and small multi-unit buildings are found. Limited mixed-use along some arterial and collector streets and some intersections." (pg. 34) The plan also recommends a 2.5 story base height for this property and the surrounding area on the "Future Base Height Guidance Map." (pg. 42)
- The proposed S-SU-F1A zone district is consistent with these recommendations as it allows lower-scale single unit residential uses, conforming to the height guidance, along with Accessory Dwelling Unit uses, contributing to the mix of housing options in the area.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-SU-F1A 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" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood.

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. Further, the *Near Southeast*

Area Plan recommends additional housing options in this area. The plans were adopted after the date of approval of the existing zone district. Therefore, they are an appropriate justifying circumstance for the proposed rezoning.

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

The requested S-SU-F1A zone district is within the Suburban Neighborhood Context. The neighborhood context is "primarily single-unit and multi-unit residential, commercial strips and centers, and office parks" and "Single-unit residential consists typically of the Suburban House building form with street-facing garages." (DZC, Division 3.1). These areas consist of a "an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys." (DZC, Division 3.1). The Washington Virginia Vale neighborhood consists of mostly single-unit residential uses in irregular blocks in a modified grid with cul-de-sacs and curvilinear streets. The proposed rezoning to S-SU-F1A 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. […] The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts promote a consistent pattern of one to two story suburban houses where the wider part of the building orients to the street and access is provided by front-loaded garages." (DZC, Section 3.2.2.1). This is consistent with the S-SU-F1A district as it allows for two and a half story Suburban House building forms and will protect the character of the residential areas in the Suburban neighborhood context.

The specific intent of the S-SU-F1A zone district is "S-SU-F1A is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet and detached accessory dwelling units. The primary distinction between this zone district and S-SU-F1 is that tandem houses are not an allowed building form." (DZC 3.2.2.2.H). The subject site is in an area where Suburban Houses and lots over 8,500 square feet are common. The site at 6750 E Exposition Ave. is 13,000 square feet with a width of approximately 90 feet. The adopted plan direction recommends allowing additional residential uses, including detached accessory dwelling units and accessory dwelling unit uses. Therefore, the proposed rezoning is consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public Comments

Winston Downs Community Association
P.O. Box 22594
Denver, CO 80222

January 24, 2024

Mr. Fritz Clausen, AICP
Case Manager
Denver Community Planning & Development, Planning Services
201 W. Colfax Ave. Dept 205
Denver, CO 80203

Re: Official Map Amendment Application #2023i-00113, 6750 E. Exposition Ave.
From S-SU-F to S-SU-F1A

Dear Mr. Clausen:

We, the Board of the Winston Downs Community Association (WDCA), acting on behalf of the residents of Winston Downs, and as a Denver Registered Neighborhood Organization, have reviewed the planning application for 6750 E. Exposition Ave. and have engaged in several meaningful discussions with Ben Wiederholt, the owner of the property.

We, WDCA, respectfully request that the requested ADU permit of S-SU-F1A be modified only so as that the ADU be designated with its own street address. This can be a simple modification such as 6750 (B) E. Exposition Ave. or something similar.

The WDCA is of the opinion that with an ADU status the structure in question has the future potential of having a long-term rental or occupancy and in the case of need of emergency services such as fire, ambulance or police it would be beneficial to those both in the property and also (in the case of fire) to neighbors, to have the emergency services know exactly which building to enter.

If this modification is made then the WDCA will abstain from lodging any objections to the said application for change from S-SU-F to S-SU-F1A for the property at 6750 E. Exposition Ave.

Thank you for the opportunity to comment on this property and for your consideration of our comments.

Jeff Aldrich – electronic signature

_____

Signing on behalf of the Board
Jeff Aldrich, Vice President
eMail: info@winstondowns.org

Planning Board Comments

Submitted on	21 February 2024, 2:46PM
Receipt number	639
Related form version	3

Your information

Name	Frank Yao
Address or neighborhood	6763 E Exposition Ave
ZIP code	80224
Email	frankgraceyao@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	6750 E Exposition Ave
Case number	20231-00113

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project your would like to comment on

Submit your comments

Would you like to express support or opposition to the project?	Strong opposition
Your comment:	This is not the best inttriest

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.