



TO: Denver City Council
FROM: Rob Haigh, Senior City Planner
DATE: May 30, 2024
RE: Official Zoning Map Amendment Application #2021I-00281

Staff Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00281.

Planning Board Recommendation

The Denver Planning Board is forwarding a unanimous recommendation of **approval** for Application #2021I-00281.

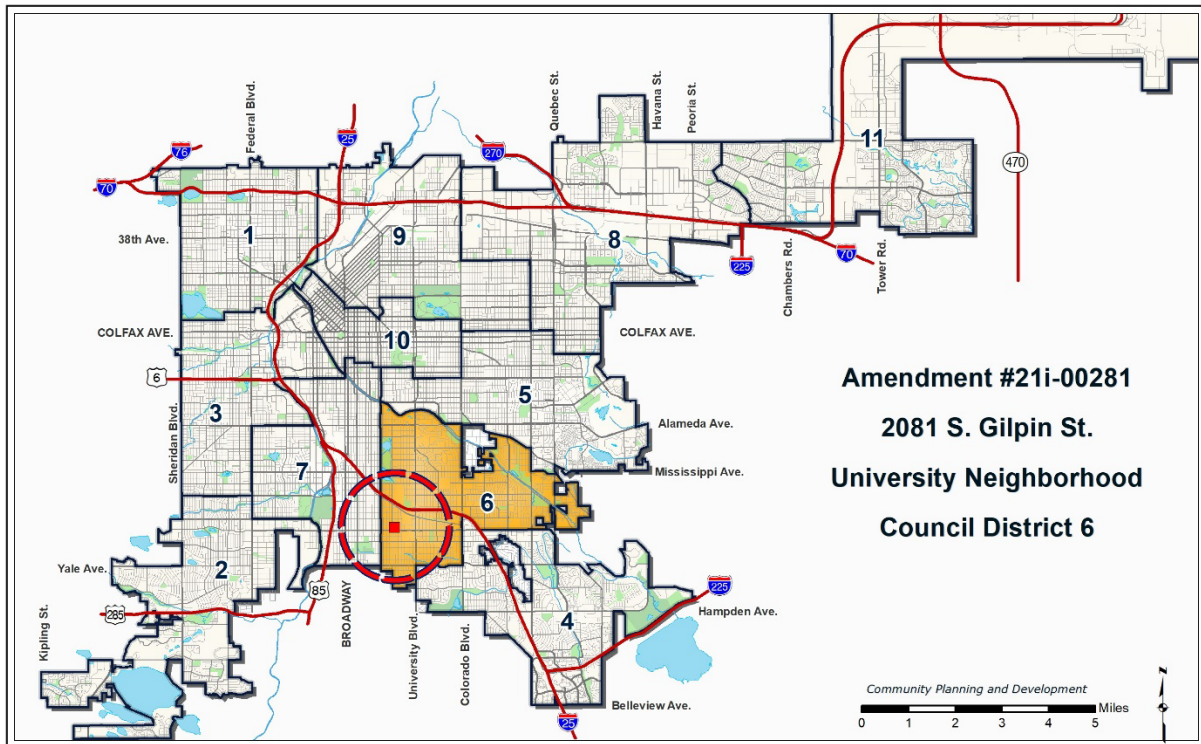
Request for Rezoning

Address:	2081 South Gilpin Street
Neighborhood/Council District:	University / Council District 6 – Paul Kashmann
RNOs:	Inter-Neighborhood Cooperation (INC), University Neighbors Neighborhood Association, Strong Denver
Area of Property:	4,690 square feet
Current Zoning:	U-SU-C
Proposed Zoning:	U-MS-3
Property Owner(s):	FAR SORR LLC

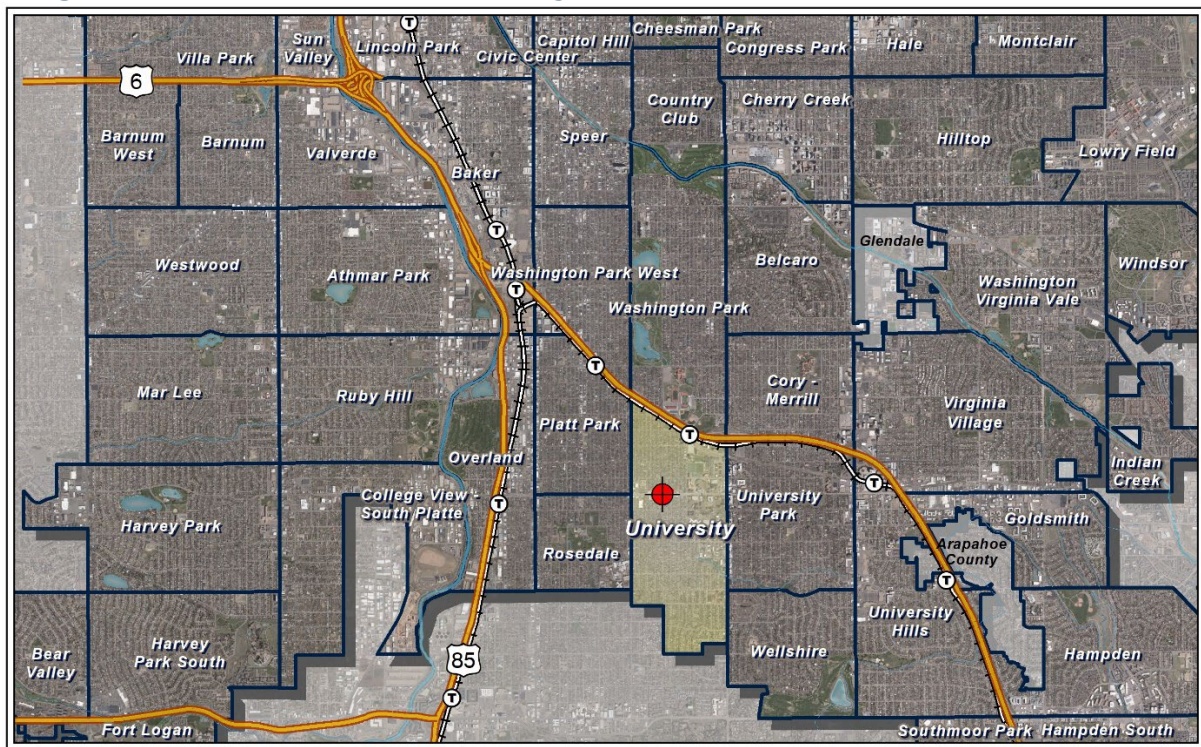
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1950, located between East Evans Avenue and East Asbury Avenue, along the west side of South Gilpin Street.
- The property owner of the subject site also owns the property immediately to the south that is already zoned U-MS-2. The applicant is requesting to rezone the site to facilitate redevelopment in conjunction with the southern property.
- The proposed U-MS-3 Zone District (**U**rbain, **M**ain **S**treet, **3** stories) is intended to “promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.” The U-MS-3 Zone District applies primarily to collector and arterial street corridors or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired. The Zone District allows for construction of the Town House and Shopfront primary building forms, and drive thru services and restaurants are allowed subject to geographic limitations. The maximum height of the allowed primary building forms ranges from 38 to 45 feet. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).
- On the subject property, only the southern 10’ of the property will be permitted to exceed 27 feet in height due to required upper story setbacks from the adjacent protected districts. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location – University



Aerial View



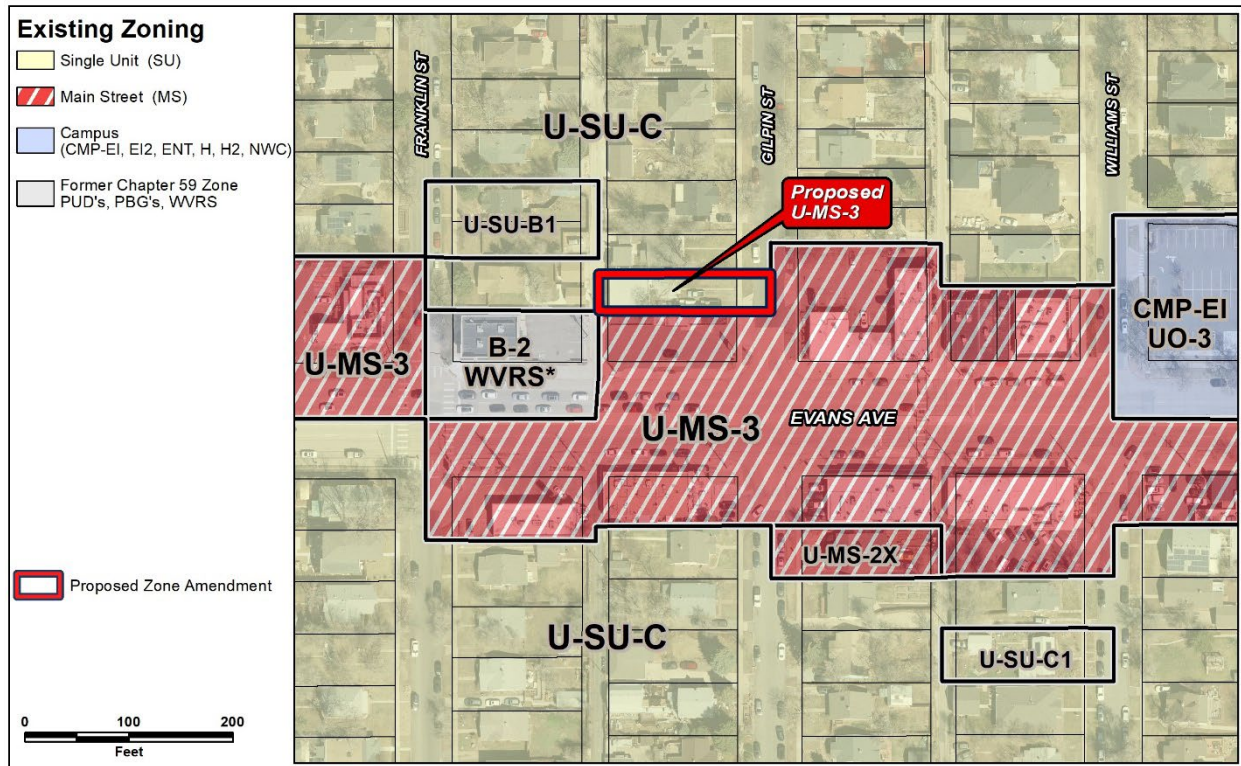
Existing Context

The subject property is in the University statistical neighborhood, which is characterized mostly by single-unit residential uses, the University of Denver campus, and mixed use areas along East Evans Avenue, South Downing Street, and South University Boulevard. The subject property is located just north of East Evans Avenue and is separated from this main street corridor by a narrow parcel that was most recently used for a commercial retail business. The property is at the border between the mixed-use corridor along East Evans Avenue and the primarily residential area to the north. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is about one-half mile northeast of Harvard Gulch Park. There is an RTD bus stop at East Evans Avenue and South Gilpin Street, which has 30-minute headways. The RTD light rail University of Denver station is 0.4 miles northeast from the subject property.

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

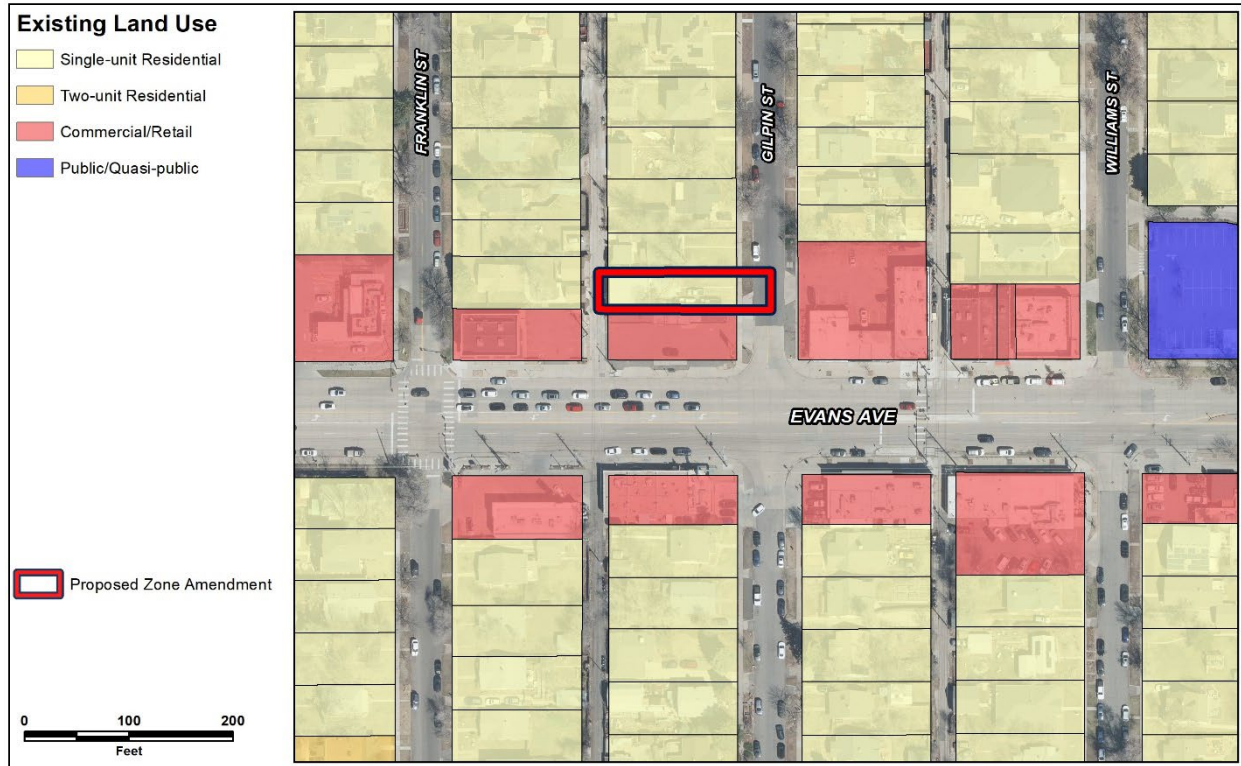
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Vacant Single-unit Residential	1 story house with detached garage on alley	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C	Single-unit Residential	1 story house with detached garage on alley	
South	U-MS-3	Vacant Retail	Vacant gas station structure with retail sales	
East	U-MS-3	Eating & Drinking establishment, retail	1 story mixed-use building with surface parking on the back	
West	U-SU-C	Single-unit Residential	1 story house with attached garage at alley	

Existing Zoning



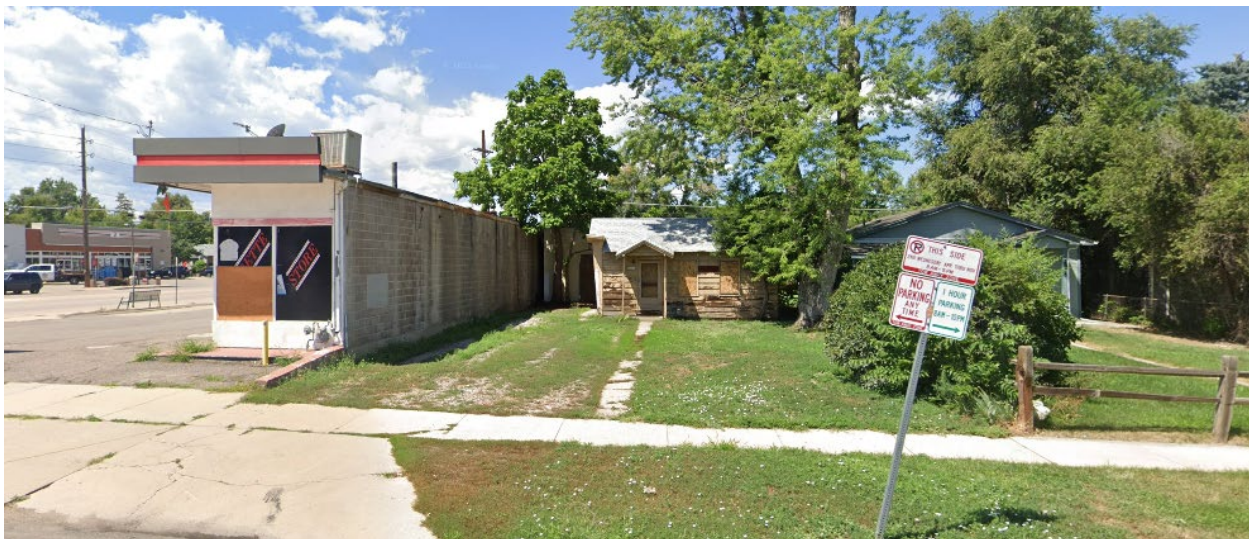
The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 to 19 feet in the rear 35% of the zone lot. It 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 Urban Neighborhood Context.

Existing Land Use Map



The most recent use of the subject property is single-unit residential which is similar to the uses to the north of the property. The existing land uses to the south, east, and along East Evans Avenue are predominately commercial/retail.

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



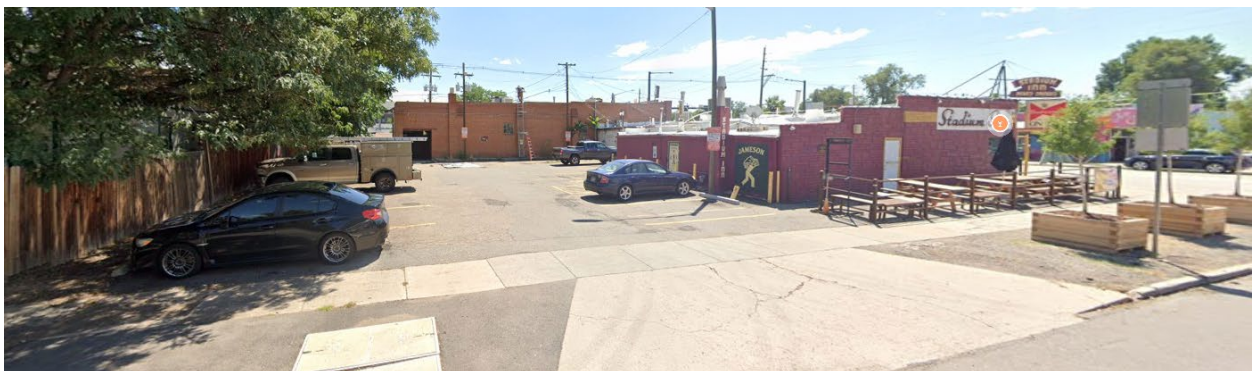
Subject Site - View of the subject property, looking west on South Gilpin



North - View of the properties to the north, looking west on South Gilpin St.



South - View of properties to the south, looking north on East Evans Ave.



East - View of properties to the east, looking east on South Gilpin St.

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West - View of the properties to the west, directly across the alley from site, looking east on South Franklin St

Proposed Zoning

The requested U-MS-3 Zone District is found in the Urban neighborhood context and the intent of the district is to “promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.” Additionally, the Main Street district standards are intended to ensure new development contributes positively to established residential neighborhood and character, improving the transition between commercial development and adjacent residential neighborhoods. The Zone District allows for construction of the Town House and Shopfront primary building forms, and drive thru services and restaurants are allowed since the subject property is more than ¼ mile from a light rail train platform. These building forms are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets. Multi-unit residential uses are typically located along local streets, residential and mixed-use arterials, and main streets.

While the U-MS-3 Zone District allows for heights up to 3 stories, or 45 feet, the subject property would be limited to the maximum allowed height of 27 feet on the northern 25 feet of the site given it is located adjacent to a protected district. For additional details of the requested zone district, see Article 5 of the Denver Zoning Code.

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

Design Standards	U-SU-C (Existing)	U-MS-3 (Proposed)
Primary Building Forms Allowed	Urban House	Town House, Shopfront, Drive Thru Services, Drive Thru Restaurant
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30-35 feet	3 stories / 45 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 17-19 feet	3 stories / 45 feet
Zone Lot (Min.)	5,500 square feet	n/a
Zone Lot Width (Min.)	50 feet	n/a
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	0 feet
Side Street Setback (Min.)	5 feet	0 feet
Side Interior Setback (Min.)	5 feet	10 feet, adjacent to a protected district
Rear Alley / No Alley	12 feet / 20 feet	0 feet / 10 feet
Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	n/a	15 feet / 25 feet
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 – Response

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approved – No Comments.

Development Services – Project Coordination: Approved – No Response.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Comments.

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 constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

--A petroleum release(s) from an underground fuel storage tank(s) has been documented at a nearby property(ies). For more information on petroleum releases, please contact the Colorado Department of Labor and Employment, Division of Oil and Public Safety (OPS) at 303-318-8547 or by email at cdle_remediation@state.co.us.

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,

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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. A Revised .docx file is attached

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:	11/06/2023
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:	3/19/2023
Planning Board Public Hearing: Recommending Approval	4/3/2024
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:	4/9/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	4/23/2024
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:	5/13/2024
City Council Public Hearing:	6/3/2024

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has received one letter in support of the proposed rezoning.

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 to a 3-story main street zone district would allow for mixed-use development that includes in increased density of residential uses along the border of an established neighborhood and a mixed use corridor, 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.*
- Equitable, Affordable, and Inclusive Goal 1, Strategy B: *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts.*
- 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).*

Similarly, the proposed U-MS-3 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods along major corridors. The proposed rezoning would create a more viable development parcel along East Evans Avenue without extending the mixed use area any further north than it already exists on this block of South Gilpin Street. Further, the application of main-street zoning contributes to the city's aspirational network of well-connected mixed-use corridors and is therefore consistent with the following strategies in the **Strong and Authentic Neighborhoods** vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*
- 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 neighborhoods and offers opportunities for increased amenities* (p. 34).

The land use pattern detailed in the previous paragraph is also consistent with the following strategies in the **Environmentally Resilient** vision element. This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. The proposal focuses any future growth that results from this rezoning close to mixed-use development and transit. Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage.

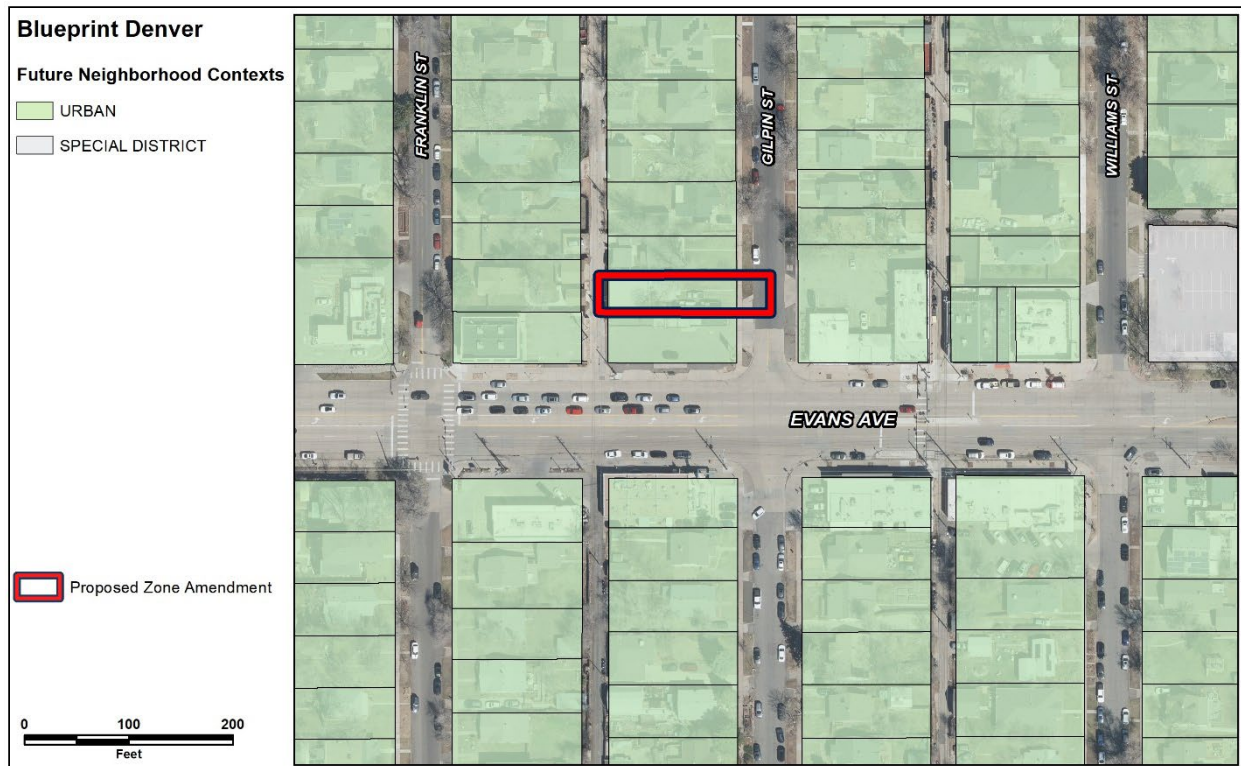
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods* (p. 54).

Rezoning to facilitate redevelopment of this site advances the Environmentally Resilient strategies of *Comprehensive Plan 2040*. The requested map amendment would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods expressed in *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 property as part of a Low Residential future place within the Urban future neighborhood context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

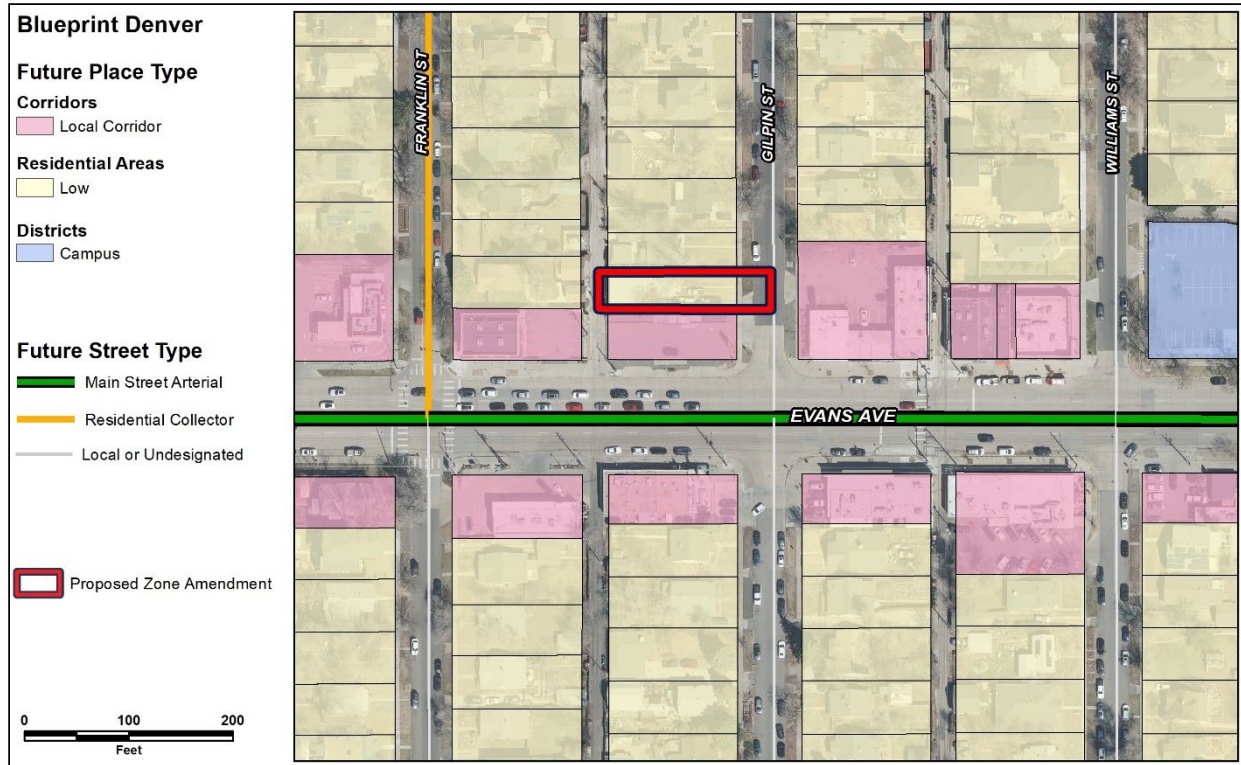


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222)

The proposed U-MS-3 Zone District is within the Urban Neighborhood Context and is intended “to promote safe, active, and pedestrian-scaled commercial street through building forms that clearly define and activate the public street edge” and “should be applied where a higher degree of walkability and pedestrian activity is desired than required along a Corridor, Mixed Use, or Residential Mixed Use zone district” (DZC Section 5.2.5.1). The U-MS-3 Zone District is consistent with *Blueprint Denver*’s future neighborhood context of Urban because it will promote an urban, mixed-use environment that

will be compatible with the development along East Evans Avenue and provide a transition to the existing residential area to the north.

Blueprint Denver Future Place



The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Place 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).

However, *Blueprint Denver* acknowledges the need for location-specific analysis and states that “The future places map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district. Since it is a citywide map, the boundaries of the mapped places should be interpreted with limited flexibility, especially at the edges, if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the places map” (p. 66). The property directly to the south is within the Local Corridor Future Place Type, intended to provide a variety of commercial and residential uses in a pedestrian-oriented pattern with an active street level.

While there is no small area plan to provide additional guidance for this area, the subject property is a particularly narrow parcel adjacent to a Local Corridor future place type that surrounds the East Evans Avenue corridor. The depth of the Local Corridor Future Places designation along East Evans Avenue appears to vary for individual properties and appears to correspond with the use and current zoning of each individual parcel at the time of adoption of *Blueprint Denver*. Additionally, the northern boundary

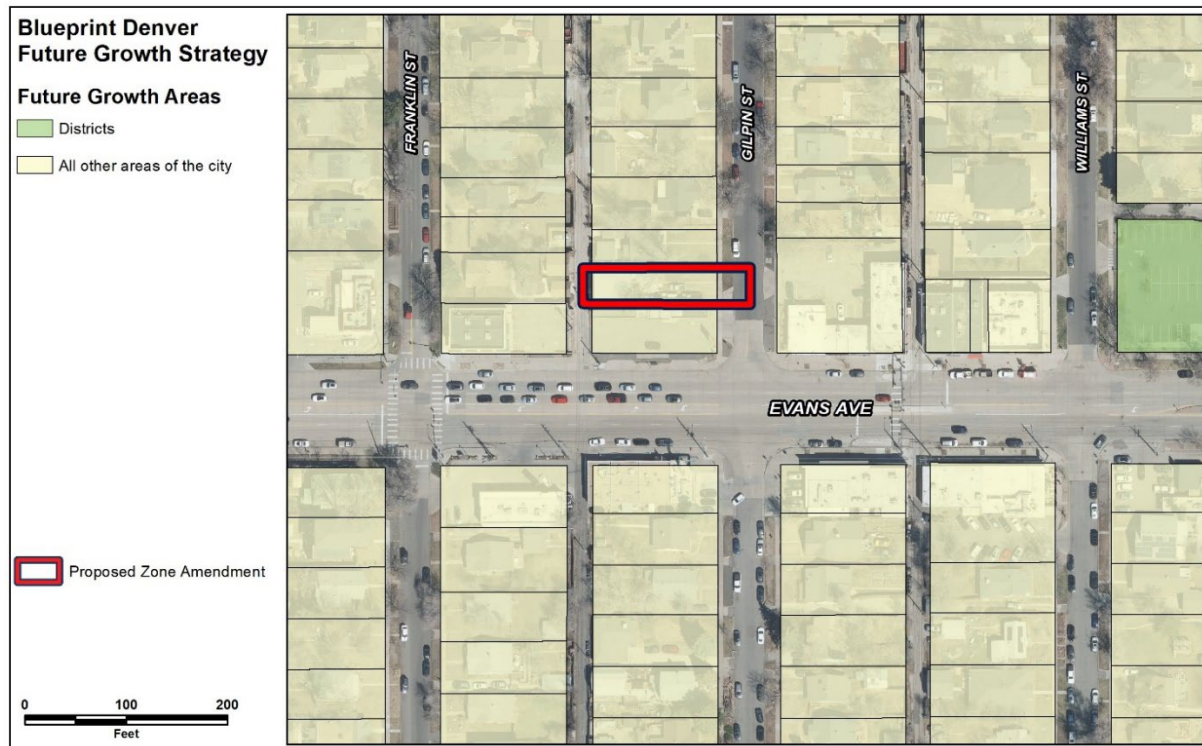
of the subject property is further south than the northern boundary of other parcels that are mapped as Local Corridor along East Evans Avenue.

Staff finds that the guidance in *Blueprint Denver* and the specific context of the subject property supports the consideration of the proposed U-MS-3 zone district as a part of the Local Corridor Future Place designation that is mapped along East Evans Avenue. Furthermore, because it allows for the mixed-use development of pedestrian-friendly building forms (up to three stories) that define and activate the public street edge along Evans Avenue and enables a transition from the East Evans Avenue Corridor through the upper story setback requirements in the Denver Zoning Code, the proposed U-MS-3 zone districts is found to further the goals of *Blueprint Denver* and staff finds it to be consistent with the overall intent of the future places map.

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 South Gilpin Street as Local or Undesignated Future Street Types, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). To the south, East Evans Avenue is classified as a Main Street Arterial Future Street Type, which are “Characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian oriented, with little front setback, a continuous street wall, and high transparency. Street level uses are highly activated, including cafe seating in the right-of-way.” (p.160). The proposed U-MS-3 district is consistent with these descriptions.

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 U-MS-3 will allow growth to the number of households and potential employment options in this area by a mix of uses and greater density of residential uses on this small lot.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-3 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 primarily through the implementation of the City's adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

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."

Additionally, staff finds that the adoption of *Blueprint Denver* serves as a justifying circumstance as it promotes the development of a mixed-use corridor along East Evans Avenue. The specific mapping of the future place type along this corridor is inconsistent in depth, but because this property is within the depth of many parcels along East Evans that were mapped as Local Corridor Future Places, the future place type can be interpreted with flexibility since this property will contribute to the vibrancy of the

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

corridor if redeveloped and does not extend the mixed-use area further north into the adjacent residential neighborhood than was originally intended by the plan. Staff finds that aligning the parcel's zoning with the underutilized parcel to the south may help encourage redevelopment of both parcels with other plan-recommended uses, thus implementing area plan guidance for the Local Corridor future place type and nearby Transit-Oriented Development in this area. This is an appropriate justifying circumstance for the proposed rezoning".

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

The requested U-MS-3 district is within the Urban Neighborhood Context, which is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located along mixed-use arterials or on main streets. Multi-unit residential uses are located along local streets, residential and mixed-use arterials, and main streets. Buildings are generally low to mid- scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 5.1). The subject site is in an area that reflects these characteristics. Therefore, the proposed rezoning to U-MS-3 is consistent with the neighborhood context description.

The general purpose of the Urban Main Street districts is to “promote safe, active and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge, and that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering.” The building form standards “are intended to promote an urban, mixed-use, built-to environment” where “buildings have a shallow front setback range, and the build-to requirements are high, and the maximum building coverage is significant” (DZC 5.2.5.1). The proposed U-MS-3 district would allow for compatible infill development fitting with the character of the surrounding mixed-use corridor. Therefore, it is consistent with the Urban Main Street District purpose statements.

The specific intent of the U-MS-3 district is the district “applies primarily to collector and arterial street corridors or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired” (DZC 5.2.5.2.D). Rezoning the subject site will continue the pattern of U-MS-3 zoning along a Main Street Arterial street and therefore, the proposed map amendment is consistent with the U-MS-3 intent.

Attachments

1. Application
2. Public comment