



**TO:** Denver Planning Board  
**FROM:** Fritz Clauson, AICP, Associate City Planner  
**DATE:** December 11, 2024  
**RE:** Official Zoning Map Amendment Application #2024I-00074

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2024I-00074.

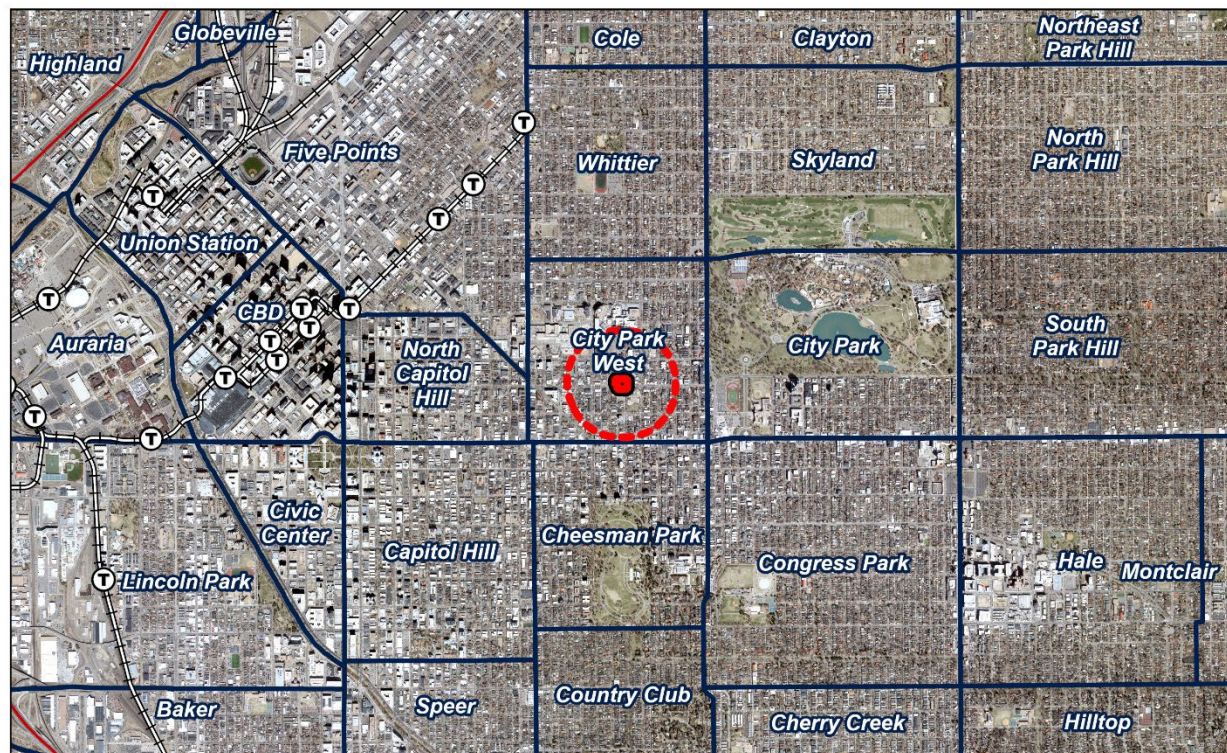
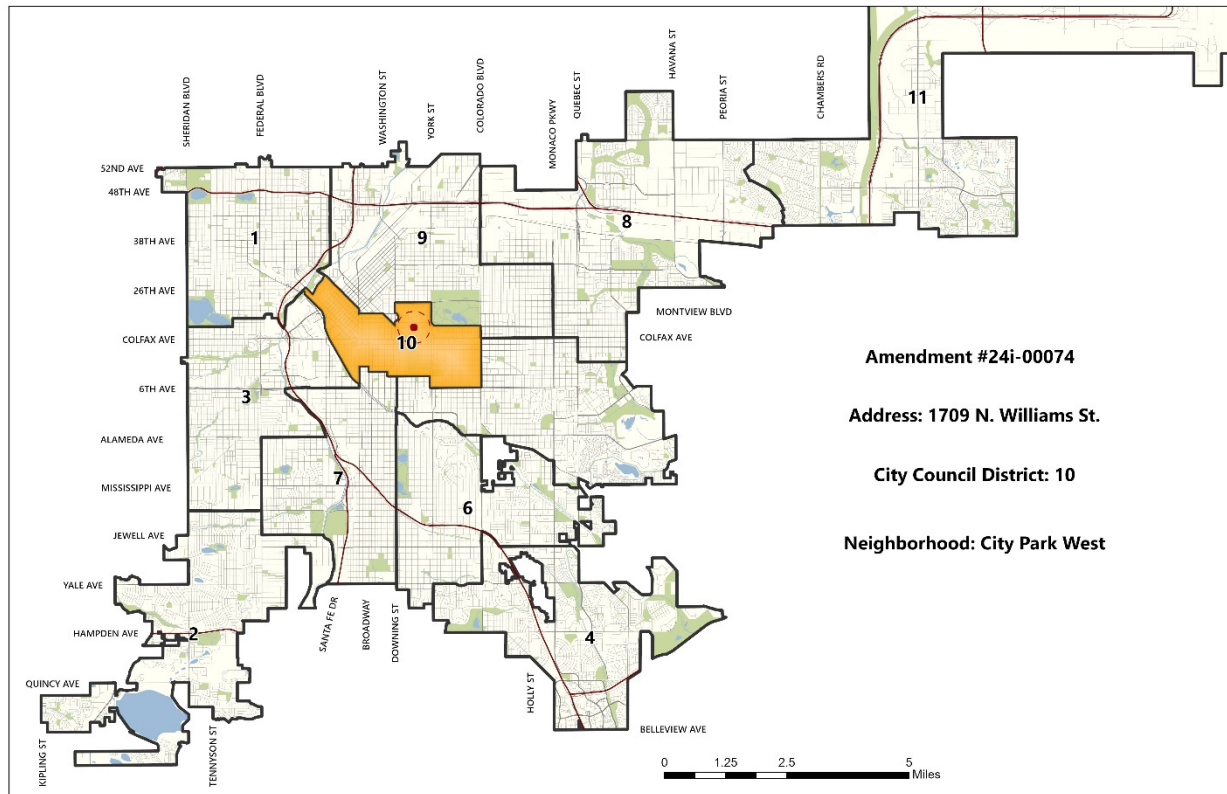
### Request for Rezoning

Address:	1709 N Williams St.
Neighborhood/Council District:	City Park West / Council District 10
RNOs:	Capitol Hill United Neighborhoods (CHUN), Opportunity Corridor Coalition of United Residents, Neighbors for Greater Capitol Hill, City Park Friends and Neighbors, East Denver United Neighbors, City Park West Neighborhood Association, Strong Denver, and Inter-Neighborhood Cooperation (INC)
Area of Property:	9,380 square feet or 0.21 acres
Current Zoning:	B-2 with Waivers
Proposed Zoning:	G-MS-3
Property Owner(s):	1735 LLC
Owner Representative:	Michael McAtee

### Summary of Rezoning Request

- The subject property is in the City Park West neighborhood, at the northwest corner of East 17<sup>th</sup> Avenue and North Williams Street.
- The site currently contains a 4,260 square foot 2 story commercial office structure and parking lot, built in 1964.
- The property owner is proposing to rezone the property to allow a mixed-use redevelopment.
- The proposed G-MS-3 (**G**eneral Urban, **M**ain Street, **3**-story) zone district allows a broad range of commercial, residential, and civic uses in the Town House and Shopfront building forms with a maximum height of three stories. Further details of the requested zone district can be found in the proposed zone district section of the staff report and in Article 6 of the Denver Zoning Code (DZC).

## Existing Context







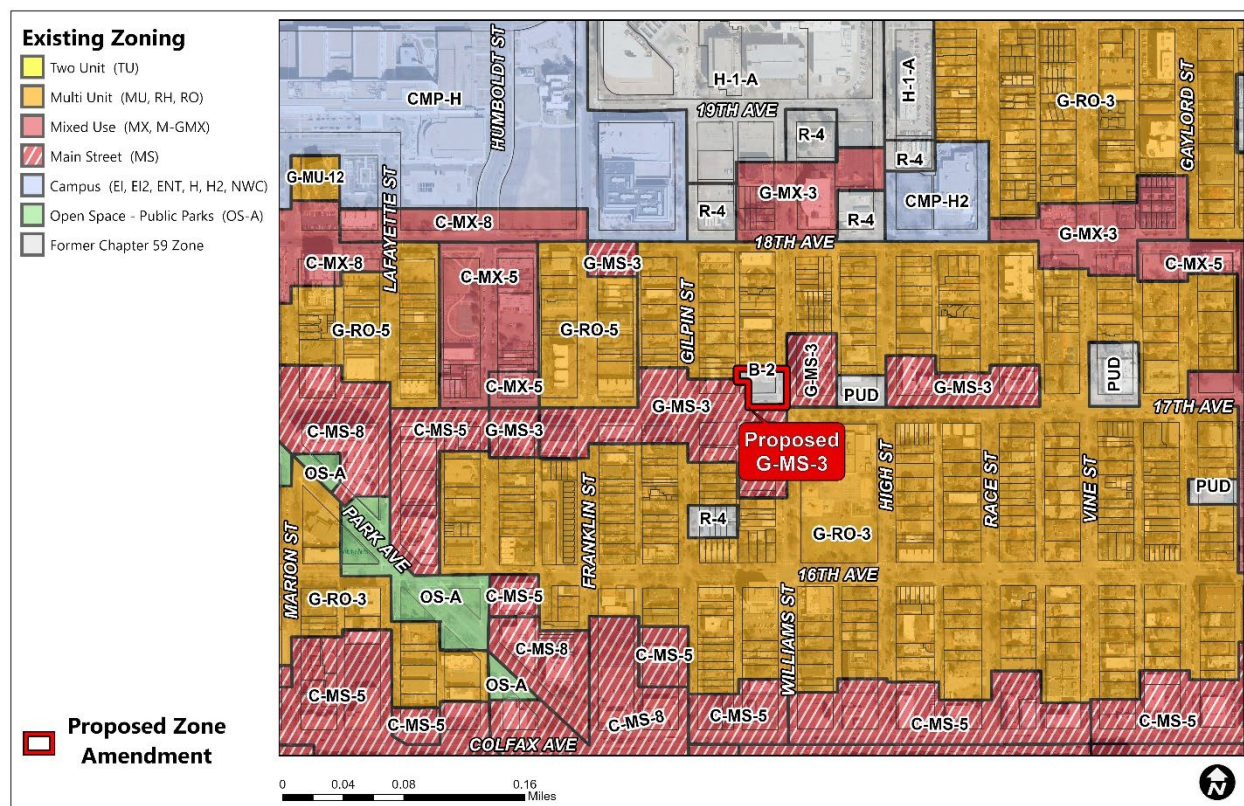
The subject property is in the City Park West statistical neighborhood, at the northwest corner of the intersection of E 17<sup>th</sup> Avenue and N Williams Street. The neighborhood is characterized by a diverse mix of office, retail, public/quasi-public, and single, two, and multi-unit residential uses, with a general pattern of regular blocks with a mix of curb cuts and alley access. RTD bus route 20 runs westbound along East 17<sup>th</sup> Avenue, with a stop diagonally opposite of the site on the southwest corner of 17<sup>th</sup> and Williams, with generally 30-minute headways. Saint Joseph Hospital is .2 miles northwest of the subject site and the Denver Center for 21<sup>st</sup> Century Learning, a middle and high school that serves the neighborhood, is diagonally opposite 17<sup>th</sup> Avenue from the subject site.

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	B-2 WVRS	Commercial - Office	2-story commercial structure with parking lot and curb cuts on E 17 <sup>th</sup> Ave and N Williams St.	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys in the middle of blocks.
North	G-RO-3	Single-unit Residential	2.5-story brick home fronting N Williams St.	
South	G-MS-3	Commercial and multi-unit residential	1-2.5-story commercial and residential structures fronting E 17 <sup>th</sup> Ave.	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	G-MS-3/G-RO-3	Commercial & Multi-unit Residential	2.5-story brick home used as commercial structure fronting E 17 <sup>th</sup> Ave, multi-unit rowhome-style residential structure fronting N Gilpin St	Four blocks west of the subject site on East 17 <sup>th</sup> Avenue the grid gets interrupted by Park Avenue that cuts through diagonally.
West	G-MS-3	Multi-unit Residential	High-rise multi-unit housing building owned by Denver Housing Authority, at northeast corner of E 17 <sup>th</sup> Ave and N Williams St	

## 1. Existing Zoning

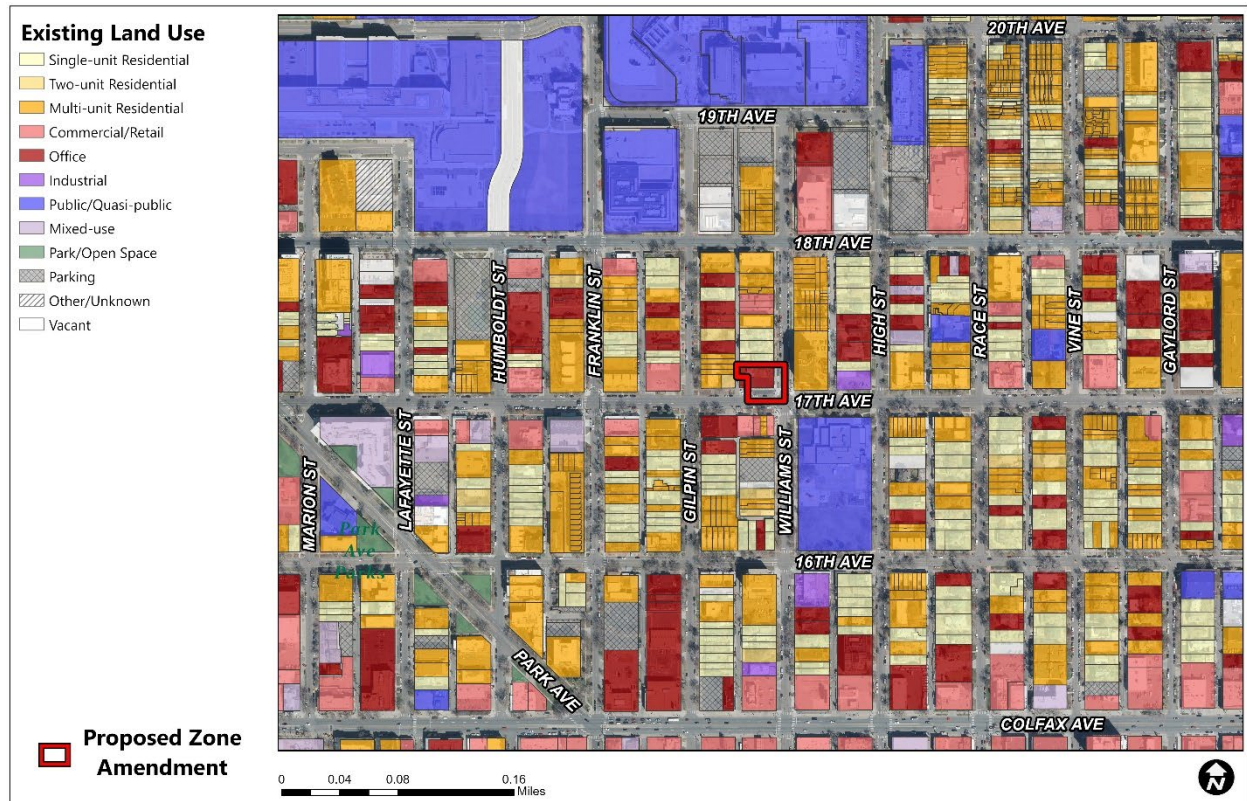


The B-2 zone district is a former Chapter 59 commercial district allowing a range of uses, including single and multiple unit dwellings, office, retail, and community-serving uses. The ordinance that applied B-2 zoning to this property included waivers of a number of specific uses, including gas stations, child care centers, dry cleaning, fire stations, grocery stores, liquor stores,



pet supply stores, and sporting goods stores. Development in former Chapter 59 is generally limited by Floor Area Ratio (FAR), and B-2 allows a 1:1 ratio of gross floor area to the size of the zone lot, with required setbacks of 5 feet from the front lot lines and 10 feet from rear lot lines. The current building is not historically protected, and the current zoning would allow replacement with a commercial or residential structure, subject to the design and use limitations of the current zoning and waivers.

## 2. Existing Land Use Map



**3. Existing Building Form and Scale** (Source for all photos: Google Earth)



View of property looking northwest from intersection of E. 17<sup>th</sup> Ave and N. Williams St.



View of the properties to the south of the subject site, looking southwest from the intersection of E 17<sup>th</sup> Ave and N. Williams St.





View of the property to the east of the subject site, looking northeast from the intersection of E. 17<sup>th</sup> Ave and N. Williams St.



View of the properties to the north of the subject site, looking west from N. Williams St.

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View of the property to the west of the subject site, looking north from E. 17<sup>th</sup> Ave.



## Proposed Zoning

The requested G-MS-3 zone district has a maximum height of three stories or 45 feet with allowable encroachments and height incentives. The minimum primary street setback is zero feet, except for the town house building form which has a 10-foot minimum primary street setback. A variety of mixed residential, commercial, and civic uses are allowed. Build-to requirement ranges between 50% and 75%, depending on the building form. For additional details of the requested zone district, see DZC Sections 6.2.5, 6.3 and 6.4.

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

Design Standards	B-2 w/Waivers (Existing)	G-MS-3 (Proposed)
Primary Building Forms Allowed	NA	Town House; Drive Thru Services; Drive Thru Restaurant; Shopfront
Maximum Height in Stories/Feet, Front 65% of Zone Lot	NA (FAR 1)	Drive Thru Services: 3/45' Drive Thru Restaurant: 3/45' Town House: 3/38' Shopfront: 3/45'
Zone Lot Size (Min.)	NA	Drive Thru Services: NA Drive Thru Restaurant: NA Town House: NA Shopfront: NA
Primary Street (Min.)*	5 feet	Drive Thru Services: 0' Drive Thru Restaurant: 0' Town House: 10' Shopfront: 0'
Side Street (Min.)	5 feet	Drive Thru Services: 0' Drive Thru Restaurant: 0' Town House: 7.5' Shopfront: 0'
Side Interior Setback (Min.)	0 feet	Drive Thru Services: 0' Drive Thru Restaurant: 0' Town House: 5' Shopfront: 0'
Rear Alley / No Alley (Min.)	10 feet / 10 feet	Drive Thru Services: 0' Drive Thru Restaurant: 0' Town House: 0' Shopfront: 0'
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	NA (FAR 1)	Drive Thru Services: NA Drive Thru Restaurant: NA Town House: NA Shopfront: NA
Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)	NA	Drive Thru Services: NA Drive Thru Restaurant: NA Town House: 100% Shopfront: 100%

## **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 comment.

**Denver Public Schools:** Approved – No response.

**Department of Public Health and Environment:** Approved - No Comments

**Denver Parks and Recreation:** Approved – No response.

**Department of Transportation and Infrastructure – R.O.W.- City Surveyor:** Approved – No Comments

**Development Services – Project Coordination:** Approve Rezoning Only - Will require additional information at Site Plan Review

1) Redevelopment of the site will require zoning and building permit approvals. Mixed-use and multi-family (3 units or more) will require Concept and Formal SDP review processes. Residential with 2 units or less will require Residential Team review.

2) It is strongly recommended to submit a Concept Plan for review (if future plans include mixed-use or multi-family uses) simultaneously with the rezoning application. Staff will verify that the proposed plans work within the proposed zone district and building form.

3) Please note a Denver Zoning Code Text Amendment bundle is currently in draft form with expected adoption in early November 2024. The amendment impacts a number of code sections that may impact proposed project design.

4) Any SDP will need to comply with the DZC in place at the time of final SDP approval.

**Development Services - Fire Protection:** Approve Rezoning Only - Will require additional information at Site Plan Review

**Development Services – Transportation:** Approved – No Response

**Development Services- Wastewater:** Approved – No Response



## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>8/6/2024</b>
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:	<b>12/3/2024</b>
Planning Board public hearing: (Planning Board was originally scheduled for 11/06 and the applicant requested to postpone the public hearing to allow for more time to work on a GNA with the opposing neighbors)	<b>12/18/2024</b>
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:	<b>12/30/2024</b>
Land Use, Transportation, and Infrastructure Committee of the City Council (tentative):	<b>1/14/2024</b>
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):	<b>2/3/2025</b>
City Council Public Hearing (tentative):	<b>2/24/2025</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has received one comment letter from the City Park West Registered Neighborhood Organizations, which detailed a meeting the RNO held with the applicant but did not take an official position. A Memorandum of Understanding between the applicant, an adjacent property owner, and the City Park West RNO was agreed to and signed on November 25<sup>th</sup>. The MOU outlines agreements on demolition and construction timing and logistics, support for the adjacent Weathervane Café during construction, specific restrictions on future use of the property, and resolving issues on shared use of the alley and parking area for trash collection and other purposes.
- **Other Public Comment**

To date, staff has received 8 comments in support and 22 comments in opposition to the proposed rezoning. Comments in support expressed anticipation for new residential opportunities in the neighborhood, while comments in opposition expressed concern regarding demolition of a unique (but non-historic) structure and existing commercial space. Applicant completed a mediation process with the local RNO and neighboring property owner to address issues raised in public comments.

## 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)
- East Central Area Plan (2020)

### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

#### ***Equitable, Affordable and Inclusive Vision Element***

- Equitable, Affordable and Inclusive Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).
- Equitable, Affordable and Inclusive Goal 1, Strategy C - 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 (p. 28).
- 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).

The proposed G-MS-3 zoning allows for a variety of uses including residential, retail services, and employment close to residences and transit. This map amendment may increase access to services and amenities for nearby residences, as well as allow for new residential uses.

#### ***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 proposed G-MS-3 zone district would allow the property to redevelop as a mixed-use site that is responsive to current needs and reinvests in the corridor area, helping to create a complete neighborhood and offering new housing and service opportunities to ensure a strong local economy.

*Environmentally Resilient Vision Element*

- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The proposed rezoning would allow for compatible residential and commercial uses in an established neighborhood and transit corridor, consistent with the strategies from the Environmentally Resilient vision element.

The proposed map amendment will allow a mixed-use development where infrastructure and services such as water, stormwater, and streets already exist. It also encourages mixed-use communities by allowing residential, commercial, and employment uses near transit and existing residential areas. Rezoning this property where infrastructure exists, and near transit, allows Denver to grow responsibly and promotes land conservation. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

***Blueprint Denver***

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Local Corridor place within the General Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

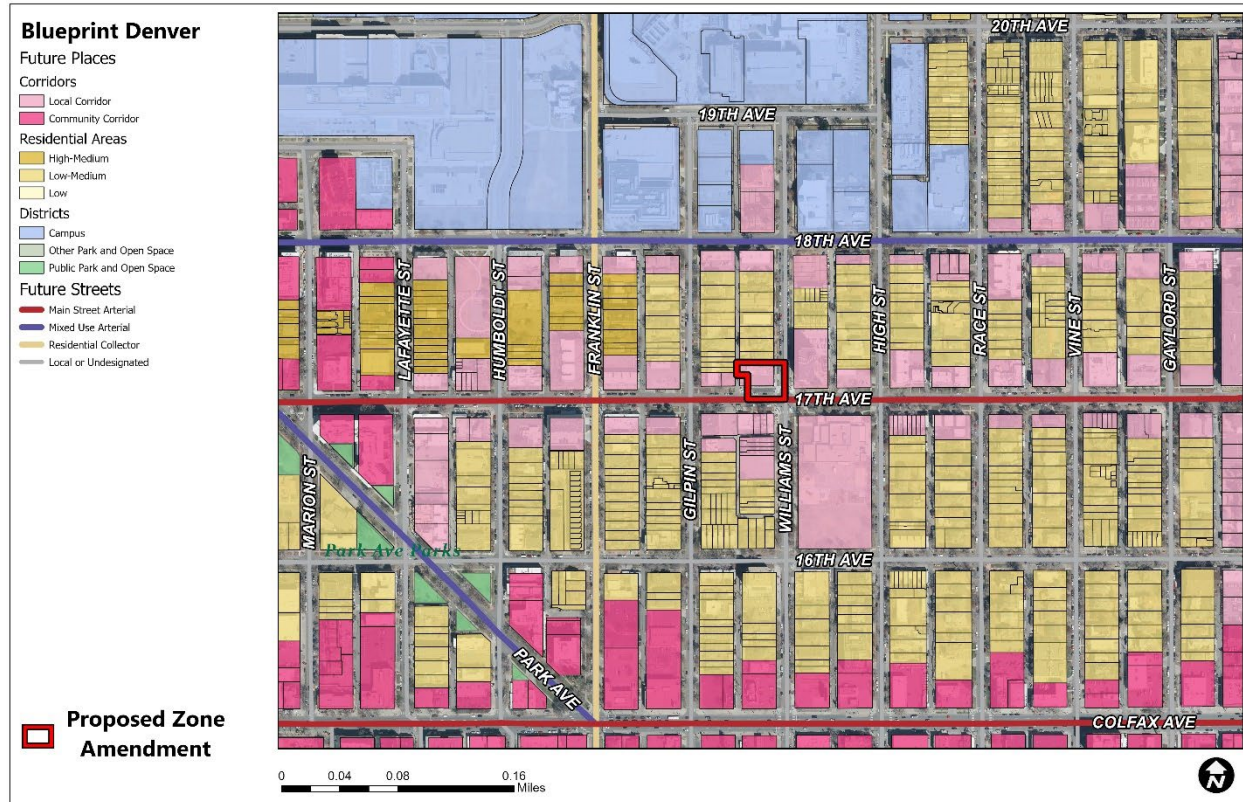
## **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to understand differences across land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban context, which “are typically located at the edge of higher intensity contexts like urban center and downtown” (p. 241) and are characterized by multi-unit residential and community-serving mixed uses. The General Urban neighborhood context is described as varying “from mixed-use multi-unit buildings to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity” (p. 238).

The proposed G-MS-3 zone district is part of the General Urban context and is “intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge” (DZC 6.2.5.1). Since the proposed district allows a substantial mix of uses with allowable building forms that contribute to street activation, the proposed rezoning to a General Urban context is appropriate and consistent with the plan.



**Blueprint Denver Future Places**

The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Local Corridor in the Future Place Map. *Blueprint Denver* describes the aspirational characteristics of Local Corridor in the General Urban context as “Primarily provides options for dining, entertainment, and shopping... Buildings have distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages. Heights are generally up to 3 stories. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas.” (p. 244).

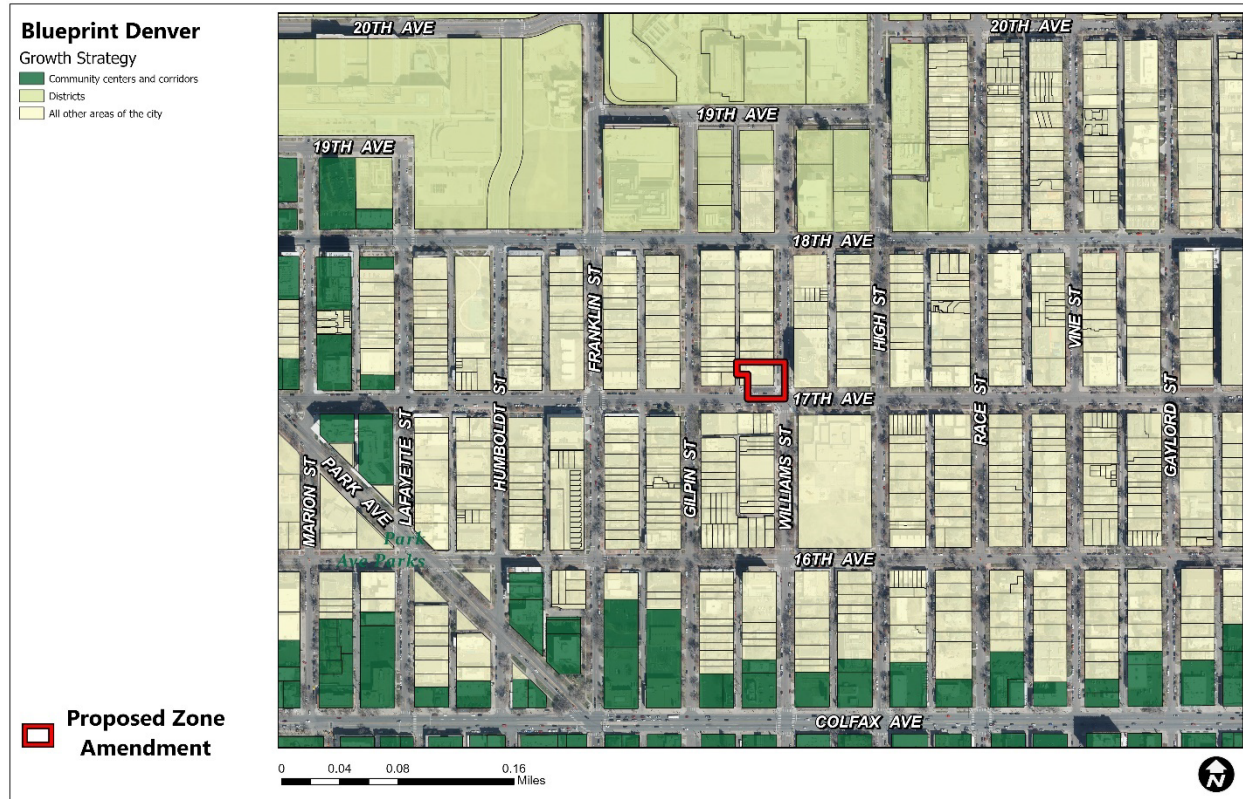
The proposed district of G-MS-3 provides a wide range and mix of uses in building forms that address the street and define the public realm. The future proposed height of up to 3 stories is appropriate for a Local Corridor in this location.

**Blueprint Denver Street Types**

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies East 17<sup>th</sup> Avenue as a Main Street Arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p.154). The use and built form characteristics of Main Street streets is described as, “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” (p.158). The proposed G-MS-3 district would allow for a mix of uses that is consistent with the Main Street Arterial Future Street Tyle classifications.

### **Blueprint Denver Growth Strategy**

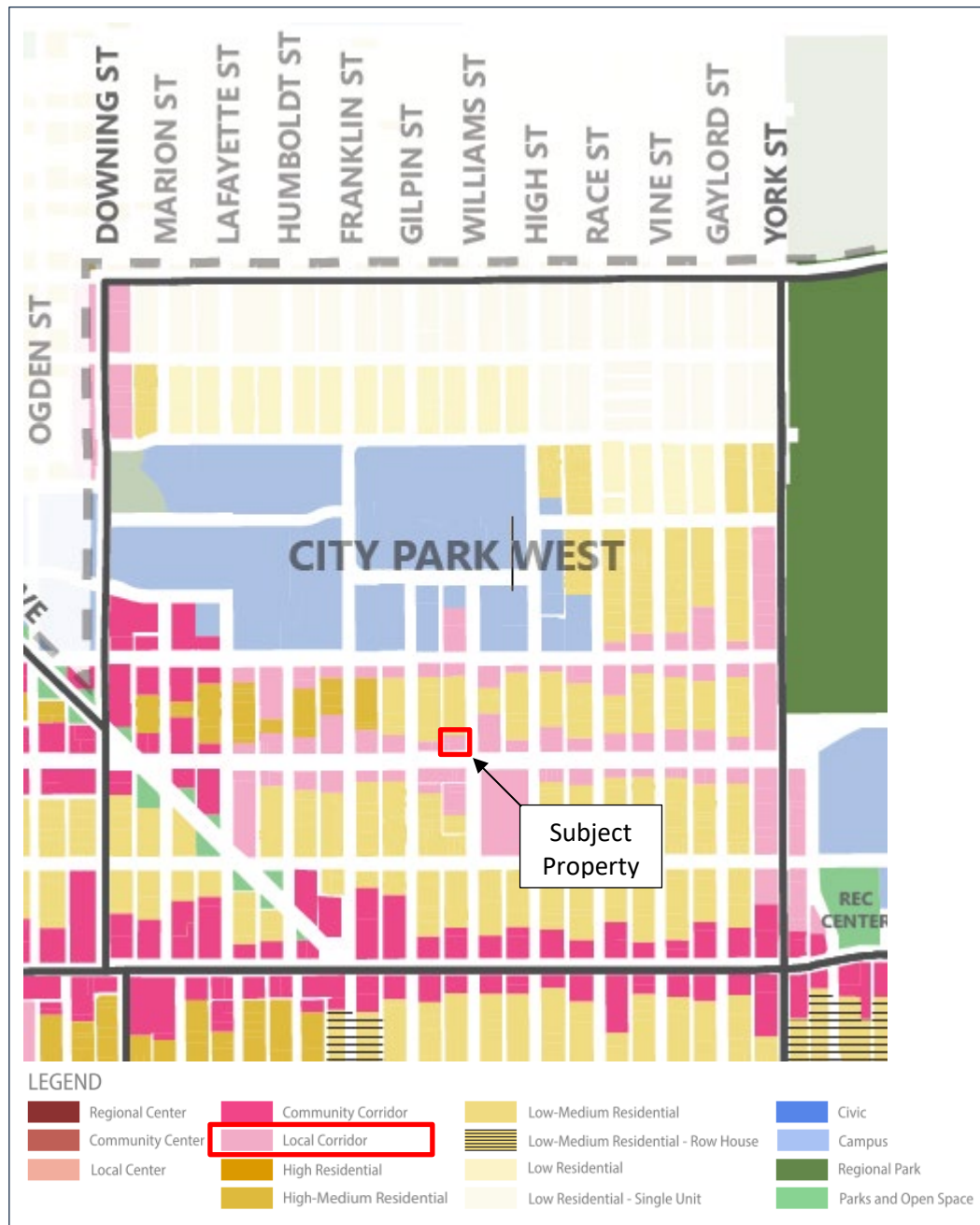


*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth 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 G-MS-3 will allow residential and commercial uses and intensity appropriate to the corridor, serving to strengthen the customer base and identity of the corridor.

### ***East Central Area Plan***

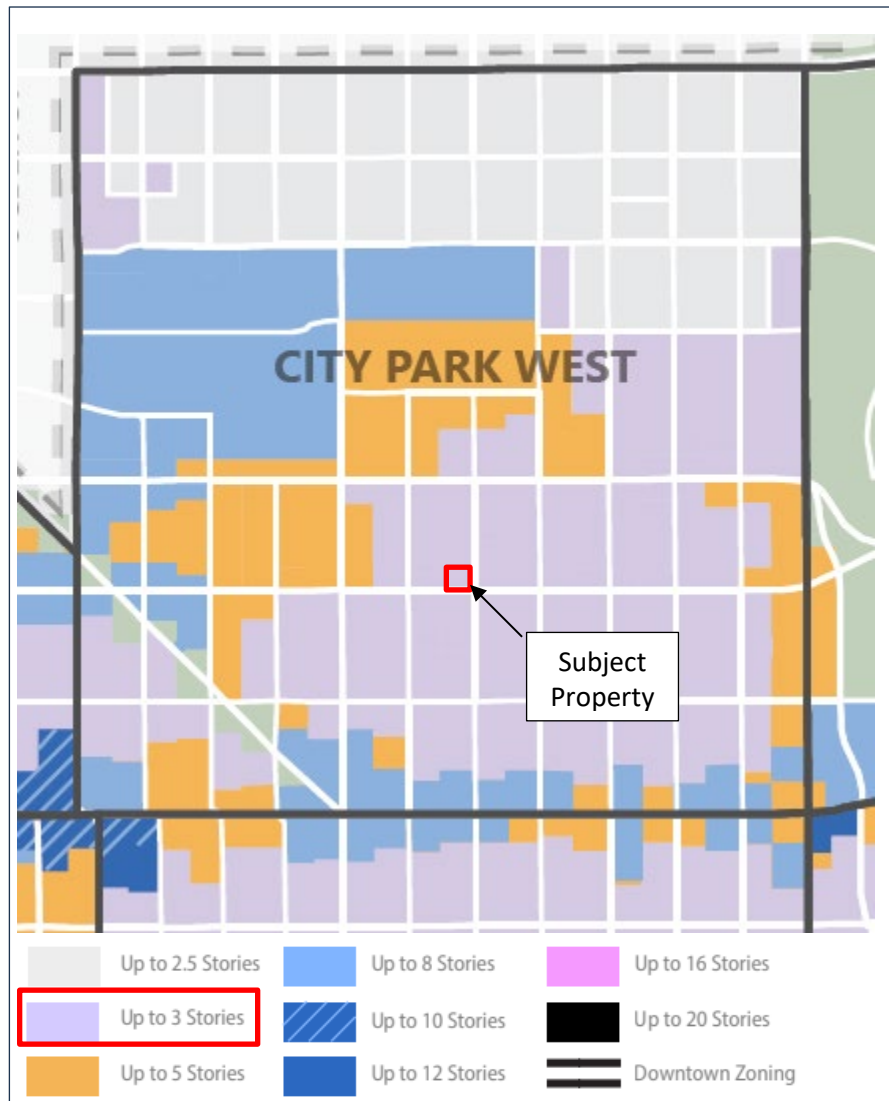
The East Central Area Plan was adopted by City Council in 2020 and applies to the subject property. The plan includes general recommendations and neighborhood-specific recommendations and utilizes the same context and place framework as *Blueprint Denver*. The subject property is designated General Urban Local Corridor, with a place description similar to *Blueprint Denver*: “Primarily provides options for dining, entertainment and shopping. May also include some residential and employment uses. Provides a more intimate, pedestrian scale” (p. 29). The Maximum Building Heights map on page 35 indicates the maximum height for the subject property is 3 stories.

**Future Place Map**





**Future Heights Map**



In addition, Policy L10: “Continue Improving out of date zoning regulations” (p.45) also recommends rezoning properties retaining former Chapter 59 zoning designations into the current Denver Zoning Code.

The proposed G-MS-3 provides a wide range and mix of uses in building forms that address the street and define the public realm what would allow for high quality design while preserving the character of the neighborhood. The proposed map amendment is consistent with the *East Central Area Plan*’s context and place designations and would promote compatible residential and commercial uses at an appropriate location in the City Park West neighborhood, making it consistent with the plan.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to G-MS-3 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned G-MS-3.

## **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, contributing to a walkable, mixed-use area, and allowing the addition of new residential units.

## **4. Justifying Circumstance**

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such 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* and the *East Central Area Plan* specifically mapped this site as Local Corridor with a height recommendation of up to 3 stories, which is consistent with the proposed district of G-MS-3, a zone district that allows a wide range and mix of uses in building forms that address the street and define the public realm. These plans were adopted after the date of approval of the existing zone district; therefore, this is an appropriate justifying circumstance for the proposed rezoning. In addition, the Denver Zoning Code review criteria, *Blueprint Denver*, and the *East Central Area Plan* all encourage the rezoning of properties with former Chapter 59 zoning to the current Denver Zoning Code.

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

The requested G-MS-3 zone district is within the General Urban Neighborhood Context. The neighborhood context generally consists of multi-unit residential uses in a variety of building forms and commercial uses in a variety of building forms that may contain a mixture of uses within the same structure (DZC, Division 6.1). The proposed rezoning would allow multi-unit residential and commercial uses at an appropriate location consistent with the neighborhood context description.

The General Urban Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets and should be applied where a higher degree of walkability and pedestrian activity is desired (DZC, Section 6.2.5.1).

The specific intent of the G-MS-3 zone district is to apply "primarily to collector or arterial street corridors... where a building scale of 1 to 3 stories is desired" (DZC Section 6.2.5.2.A). East 17<sup>th</sup> Avenue is an arterial corridor where the neighborhood plan calls for up to eight stories. The proposed rezoning would facilitate development consistent with the intent of the G-MS-3 zone district.

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## **Attachments**

1. Application
2. Public Comments