



**TO:** Denver Planning Board  
**FROM:** Fritz Clauson, AICP, Associate City Planner  
**DATE:** October 30, 2024  
**RE:** Official Zoning Map Amendment Application #2023I-00242

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends **denial** for Application #2023I-00242.

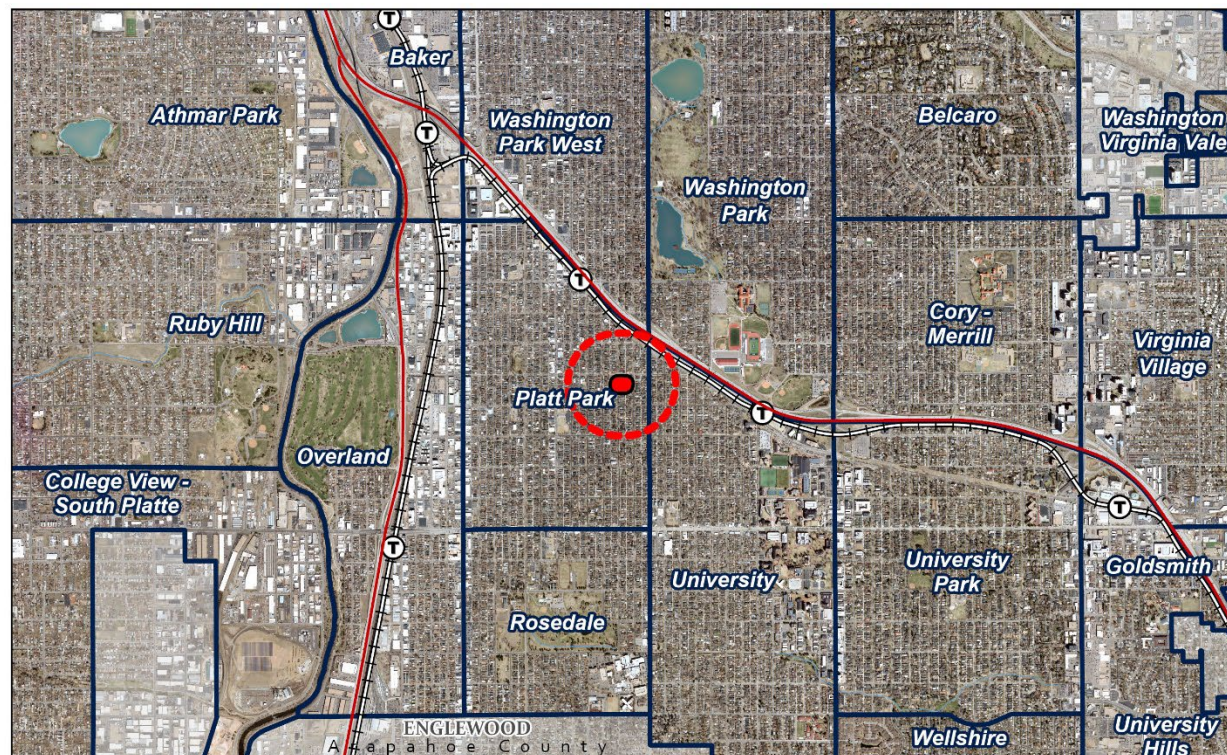
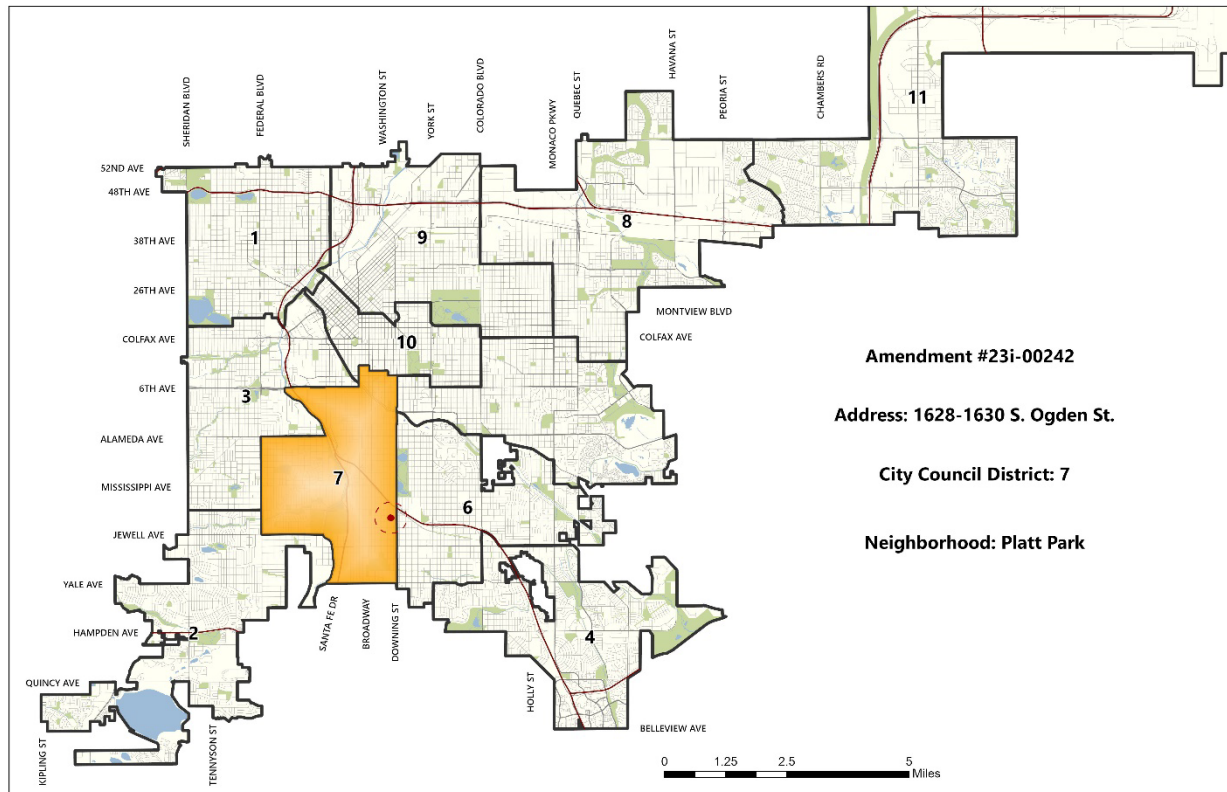
### **Request for Rezoning**

Address:	1628-1630 S Ogden St.
Neighborhood/Council District:	Platt Park / Council District 7
RNOs:	Platt Park People's Association (3PA), Strong Denver, and Inter-Neighborhood Cooperation (INC)
Area of Property:	6,240 square feet or 0.14 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-TU-C
Property Owner(s):	Brendan & Kathryn Harrison
Owner Representative:	Caitlin Quander

### **Summary of Rezoning Request**

- The subject property is in the Platt Park neighborhood, on the east side of South Ogden Street between East Iowa Avenue and E Mexico Avenue.
- The subject property currently contains two single-unit dwellings. According to a compliance letter sent to the applicants by Development Services in 2023, the current use of the property by two single-unit dwellings is legal Conforming, however the structures themselves are legal Non-Conforming under the current zoning.
- The property owner is proposing to rezone the property to allow redevelopment as a single duplex structure.
- The proposed U-TU-C, Urban, Two-Unit, C (5,500 square feet minimum zone lot size) zone district is intended for application in the Urban Neighborhood Context which is characterized primarily by single- and two-unit uses on smaller lots. Duplex, Tandem House, Urban House and Detached Accessory Dwelling Units building forms are allowed in this zone district. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

## Existing Context







The subject property is in the Platt Park statistical neighborhood, on the east side of South Ogden Street between East Iowa Avenue and E Mexico Avenue. The neighborhood is primarily characterized by single-unit residential uses, with some public/quasi-public and two- and multi-unit residential uses. There is a pattern of regular blocks with a mix of curb cuts and alley access. RTD bus route 12 runs along East Iowa Avenue to the north, with a stop .1 miles away at S Downing St. Denver Fire Station 16 sits across the street at the intersection of S Ogden St and E Iowa Ave, with I-25 .2 miles to the north, and across the highway, Denver South High School and Washington Park are each around a half-mile away. The Old South Pearl Street retail district is located .3 miles to the east, and the Louisiana/Pearl RTD light rail station is .5 miles to the north.

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	Single-unit Residential	Two single-story houses with shared interior area	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys in the middle of blocks. Detached
North	U-SU-C	Single-unit Residential	2-story residence with detached garage	
South	U-SU-C	Single-unit Residential	2-story house with deep front setback and attached garage/accessory dwelling with alley access.	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-C	Single-unit Residential	1.5-story brick house with detached garage	sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
West	U-SU-C	Single-unit Residential	1.5-story brick house with detached garage	

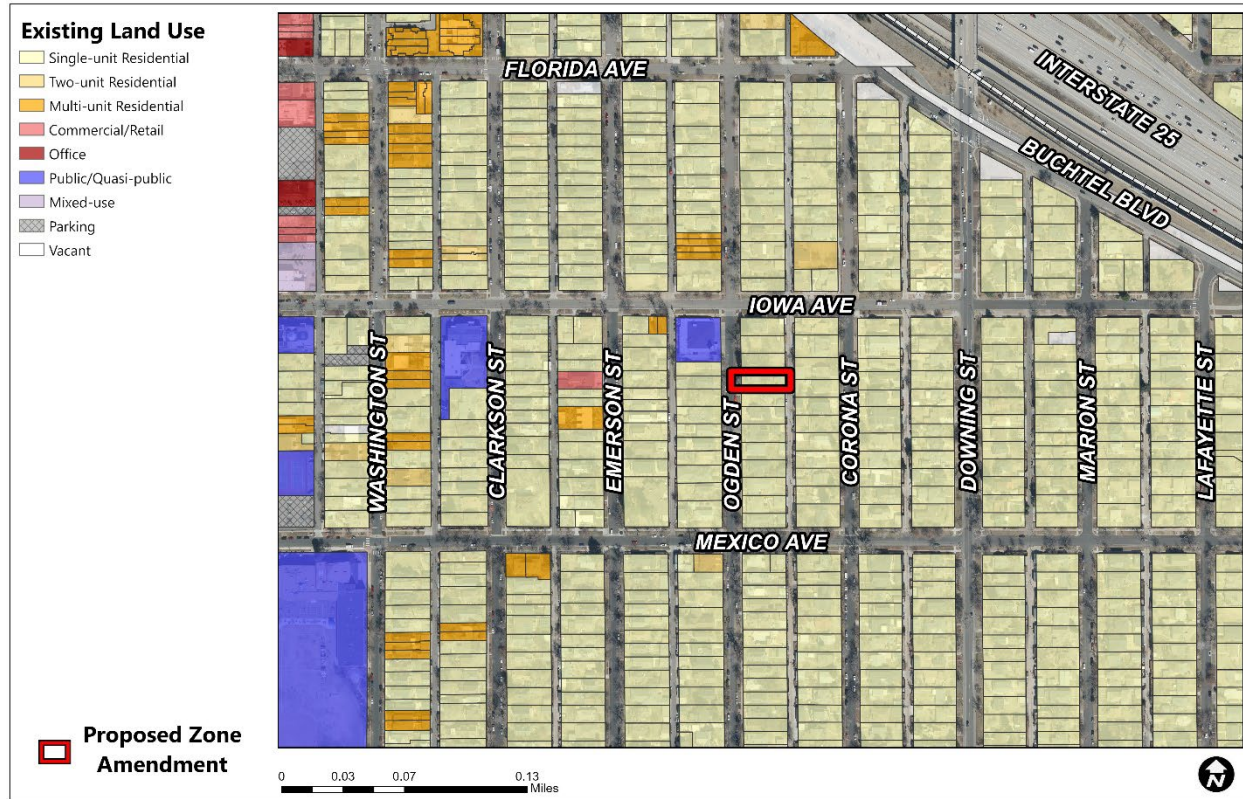
## 1. Existing Zoning



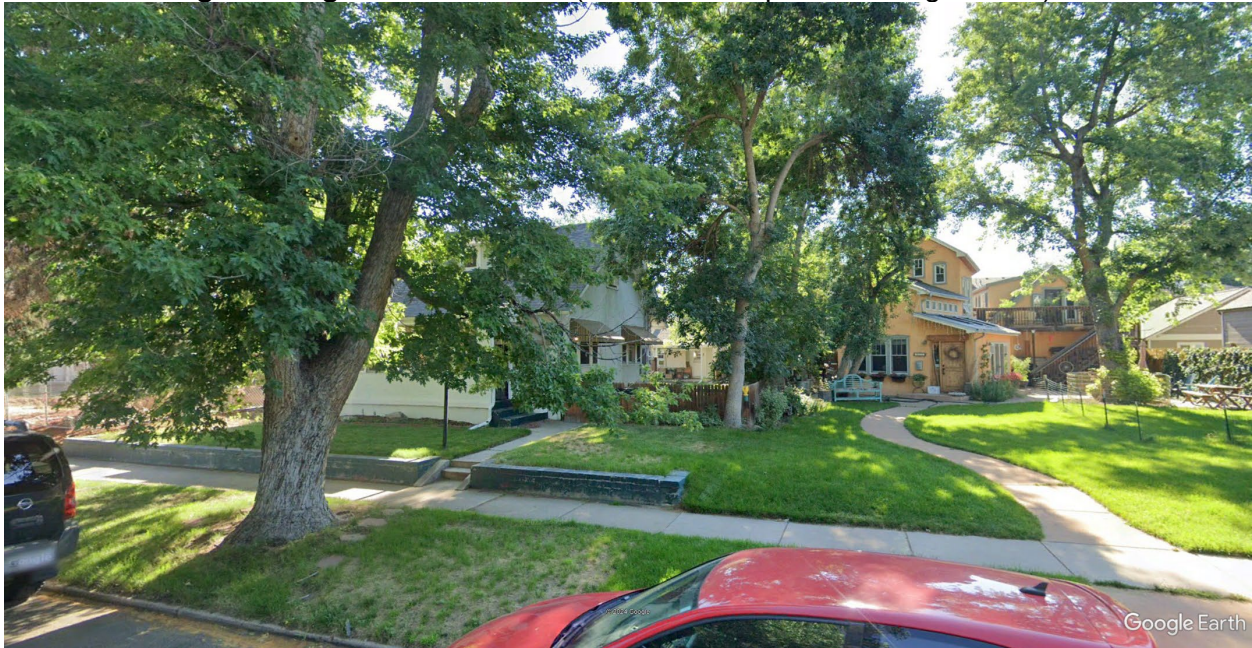
The subject property is zoned U-SU-C, a single-unit residential district allowing the Urban House primary building form on a minimum zone lot of 5,500 square feet. Blocks with U-SU-C zoning typically have a consistent pattern of 50-foot-wide lots. The maximum allowed height is 2.5 stories or 30 to 35 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. For additional details of the existing zone district, see DZC Section 5.2.2.



## 2. Existing Land Use Map



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



View of the subject property, looking east from S Ogden St.





View of the properties to the south of the subject site, looking east from S Ogden St.



View of the properties to the east of the subject site, looking west from S Corona St.





View of the properties to the north of the subject site, looking east from S Ogden St.



View of the properties to west of the subject site, looking northwest from S Ogden St.

## Proposed Zoning

The requested U-TU-C is a two-unit residential zone district. Different than the existing U-SU-C zone district that only allows the urban house building form, the proposed U-TU-C zone district also allows up to a two and a half story duplex, and tandem house building forms.

The U-TU-C zone district requires a minimum zone lot size of 5,500 square feet and allows for the urban house, detached accessory dwelling unit, duplex and tandem house building forms. U-TU-C has the same minimum zone lot size requirement as the current U-SU-C zone district, but U-TU-C introduces two-unit dwellings in the duplex and tandem house building forms. The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

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Design Standards	U-SU-C (Existing)	U-TU-C (Proposed)
Primary Building Forms Allowed	Urban House	Urban House, Duplex, Tandem House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30'	2.5 stories / 30' (all forms)
Maximum Height in Feet, Rear 35% of Zone Lot	17'	Urban House & Duplex: 17' Tandem House: 24'
Zone Lot Size (Min.)	5,500 SF	Urban House: 4,500 SF Duplex & Tandem House: 5,500 SF
Zone Lot Width (Min.)	50'	Urban House: 35' Duplex & Tandem House: 50'
Side Interior Setback (Min.) – for 50' wide lot	5'	5' Tandem House: 5' (one side)/10' (combined)
Rear Alley / No Alley (Min.)	12' / 20'	Urban House & Duplex: 12' / 20' Tandem House: 50% of lot depth (structure 1) / 5' (structure 2)
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5% for lots with a width between 40' and 75'	37.5% for lots with a width between 40' and 75'
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 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 - See Comments Below

Recommend adding the quarter section, township, and range to the description. A revised .docx file is attached.

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

- 1) Proposed development and new construction for single and two unit projects will be reviewed by the Residential Review Team. The project will need to receive both zoning and building permit approvals from that team prior to starting any new construction.
- 2) All new development will need to conform with the Denver Zoning Code and building / fire codes in place at the time of permit approvals.
- 3) Please be aware that a text amendment bundle is in draft review for the Denver Zoning Code that will impact over 100 items to allow for a more efficient review process. Adoption is anticipated in early November. The proposed changes do impact some items of interest, including detached structures building forms related to single and two-unit dwellings and zone lot coverage. The draft is available for public viewing:  
<https://denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directoy/Community-Planning-and-Development/Denver-Zoning-Code/Text-Amendments/2024-Text-Amendment-Bundle>

**Development Services - Fire Protection:** Approved - No Comments

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

**Development Services- Wastewater:** Approved - See Comments Below

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Refer to concept plan communication on required public sanitary easement. Commitment to serve proposed structure will be based on permit issuance.

## 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>10/22/2024</b>
Planning Board public hearing:	<b>11/06/2024</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>11/05/2024</b>
Land Use, Transportation, and Infrastructure Committee of the City Council (tentative):	<b>11/19/2024</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>12/16/2024</b>
City Council Public Hearing (tentative):	<b>1/6/2024</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received any comments from Registered Neighborhood Organizations.
- **Other Public Comment**
  - To date, staff has received 7 comments in opposition to the proposed rezoning. Comments expressed concern about traffic, provision of street parking (with consideration of restricted parking around nearby fire station), and difficulty or disruption of alley access by neighboring property owners, and potential change of neighborhood character.



## **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 some 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 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning would allow for a reconfiguration of the existing two-unit use on the property and expand the range of housing options available on the property.

#### ***Strong and Authentic Neighborhoods Vision Element***

- 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).

While the proposed rezoning would broaden the range of housing types available, consistent with Goal 1, Strategy B, it would also allow different building forms and higher intensity uses than what is currently in the neighborhood, inconsistent with Goal 1, Strategy D of the Strong and Authentic Neighborhoods vision element.

#### ***Environmentally Resilient Vision Element***

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

The requested map amendment would allow for a reconfiguration of the existing two-unit residential use in a location where infrastructure and services are already in place.

In summary, the proposed rezoning is consistent with some of the plan policies identifying the need for an increase in housing options and for a variety of housing types to be offered. The rezoning request would allow more and different building forms that could accommodate a wider variety of housing types within the neighborhood. The request would allow for infill development that may provide additional units that would help with responsible growth. The proposed rezoning is also inconsistent with Denver Comprehensive Plan 2040 goals to encourage quality infill development that is consistent with the surrounding neighborhood. The new building forms and higher intensity of uses that would be allowed in the requested zone district are not consistent with the building forms found near the subject site and surrounding blocks.

### **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 Residential Low place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

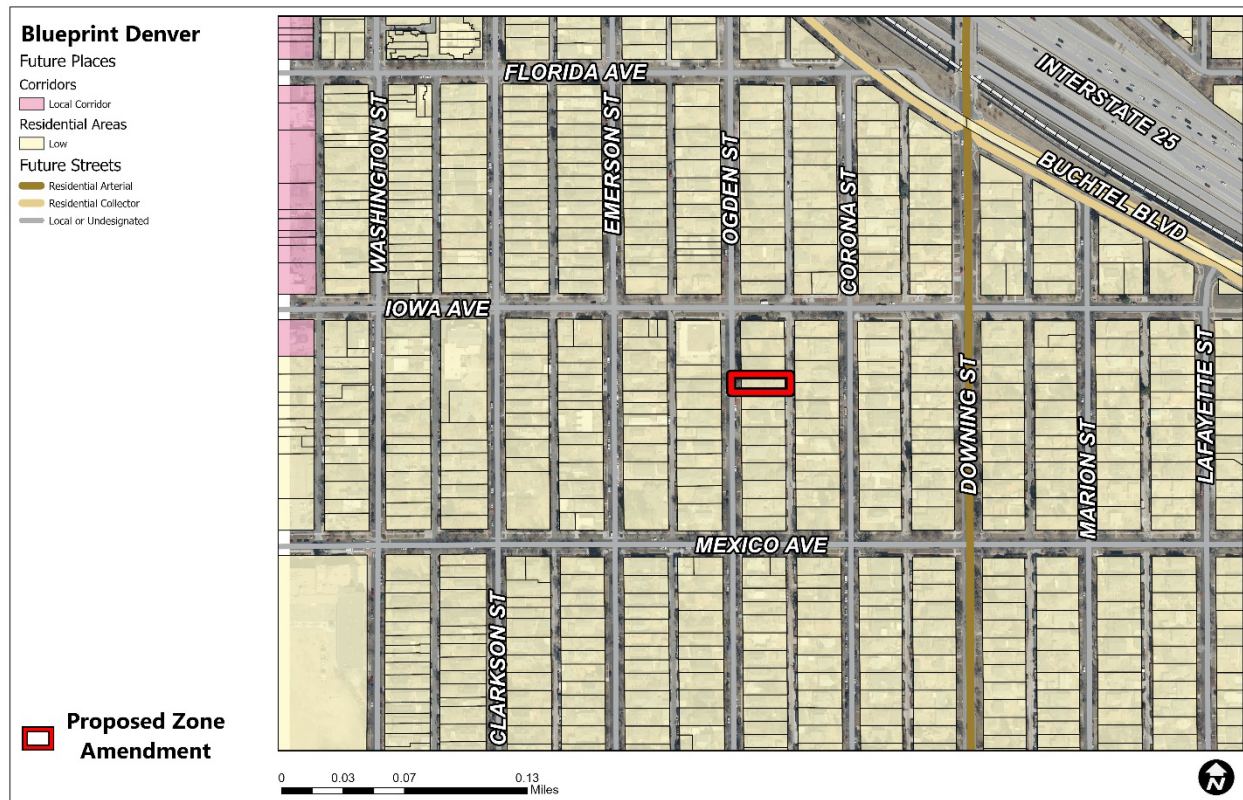




In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject sites are shown on the context map as the Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as “small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas” with “good walkability with short, predictable blocks.” (p. 136).

U-TU-C is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). While *Blueprint* sees U-TU-C as generally consistent with the Urban future neighborhood context, it also states that “Development should be compatible with the existing neighborhood character.” (p. 222) As this area is predominantly single-family residential, U-TU-C may not be compatible with the existing character of the area.

### **Blueprint Denver Future Places**



*Blueprint Denver* identifies the property as being within the Low Residential Future Place Type, described as containing “Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.” (p. 230). *Blueprint Denver* stipulates several key principles for guiding application of plan recommendations to Residential Low places when zone districts allowing two-unit uses are proposed, and states “Although the description of the low residential places includes both single-unit and two-unit uses, two-unit uses

are not appropriate in all low areas.” *Blueprint Denver* provides further guidance for rezonings in Residential Low places regarding uses and minimum lot sizes. The plan states “when a rezoning request is made to change the zoning to allow two-unit uses, the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns. A departure from the established zoning pattern may be appropriate if the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input” (p. 231).

In this case, there is no adopted small area plan or significant neighborhood input showing the intent to set a new pattern for the area. In addition, the zoning around the property is consistently single-family, and although there are intermittent two-family or multi-family uses, the guidance is specifically looking to “existing zoning patterns.” Despite the presence of an existing two-unit use, these factors, and the single-property nature of this rezoning application, as opposed to the “intent [...] to set a new pattern for the area,” demonstrate that a rezoning to U-TU-C is not consistent with the specific *Blueprint Denver* guidance on rezoning for two-unit uses in Low Residential areas.

The rezoning request is not consistent with *Blueprint Denver*’s identified Residential Low place type.

### **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 S Ogden St 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” (p. 155). Both the current U-SU-C and the proposed U-TU-C district are appropriate uses and intensities adjacent to a local residential street.

### **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 properties are 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-TU-C is potentially consistent with the growth strategy, but would have a neutral effect as the property already contains two dwelling units, and the proposed map amendment would not allow any additional units.

### **Summary of Plan Guidance**

Based on a review of the applicable plan guidance the requested U-TU-C zone district is not supported by city adopted plans and the current U-SU-C zone district is an appropriate zone district at this location.

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

The proposed rezonings will result in the uniform application of zone district building form, use, and design regulations.

## **3. Public Health, Safety and General Welfare**

While the proposed official map amendment is unlikely to harm the public health, safety, and general welfare, it is also unclear if it materially furthers it. The proposed rezoning to U-TU-C would allow a reconfiguration of the existing two-unit use but is inconsistent with *Blueprint Denver's* plan policies, and therefore does not contribute to implementing the city's adopted land use plan. Because of this, the proposed official map amendment does not further the public health, safety, and general welfare of the City through implementation of the city's adopted land use plan.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions in the area, as well as the city's adopted plans, as the Justifying Circumstances 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 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."

The application references growth in the specific local area, as well as in the city at large, as a justifying circumstance. While growth has certainly occurred, it is arguable whether the proposed change to U-TU-C would have an impact beneficial to the public, given that a two-unit use already exists on the property and can continue to exist in the current form indefinitely. The application also identifies city adopted plans as an additional justifying circumstance. However, as discussed above, *Blueprint Denver* specifies clear criteria for proposed two-unit zoning in Residential Low areas, which this application fails to meet.



Since there is a lack of new neighborhood plan direction that is consistent with the requested zone district, the rezoning request of U-TU-C is not justified as being in the public interest.

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

The requested U-TU-C zone district is within the Urban Neighborhood Context of the Denver Zoning Code. The neighborhood context is “primarily single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House building form” (DZC, Division 5.1). These areas consist of a “regular pattern of block shapes surrounded by an orthogonal street grid” (DZC, Division 5.1). The neighborhood context description is consistent with the proposed rezoning to U-TU-C.

Denver Zoning Code Section 5.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Neighborhood context... The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form.” While the subject property contains an established two-unit use, the surrounding context is predominantly single-unit, which is reflected in the current U-SU-C zoning of the area. The proposed rezoning to the U-TU-C district reflects the character of the subject property, but would underscore the distinction between it and the surrounding neighborhood context.

The specific intent of the U-TU-C zone district is “allows up to two units on a minimum zone lot area of 5,500 square feet. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.” (DZC 5.2.2.2.P). The proposed zone district recognizes the subject site’s existing condition and the surrounding context, fulfilling this Specific Intent statement.

The proposed U-TU-C zone district is not fully consistent with the Denver Zoning Code context description and purpose and intent statements.

## **Attachments**

1. Application
2. Public Comments