TO: Denver Planning Board
FROM: Jason Morrison, Senior City Planner
DATE: July 28th, 2021
RE: Official Zoning Map Amendment Application #2020I-00201

Staff Report and Recommendation
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00201.

Request for Rezoning
Address: 5350 Leetsdale Drive
Councilwoman Amanda Sawyer
RNOs: East Evans Business Association; Virginia Vale Community Association; Preservation of Residential South Hilltop Neighborhood Association; Inter-Neighborhood Cooperation (INC)
Area of Property: 19,073 square feet or .44 acres
Current Zoning: B-1 with waivers
Proposed Zoning: S-MX-3
Property Owner(s): Forest Park Realty Investment
Owner Representative: Ann Erisman, MAH Architectural Group

Summary of Rezoning Request
- The proposed rezoning is in the Washington Virginia Vale statistical neighborhood on the southeast corner of Leetsdale Drive and S. Forest Street.
- The subject property contains a one-story structure which served as a drive-through bank service but is now a vacant use.
- The proposed rezoning is intended to facilitate redevelopment of the site. The applicant is interested in reusing the existing building (formally a drive-through bank) to develop a drive-through coffee shop.
- The S-MX-3 (Suburban, Mixed Use, 3-story) zone district allows a mix of uses in the suburban context and is intended for areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. Further details of the requested zone district can be found in Article 3 of the Denver Zoning Code (DZC).
Existing Context
The subject site is located on the western edge of the Washington Virginia Vale neighborhood. This neighborhood is primarily suburban and vehicle-oriented in character with areas of modified street grid, single-unit residential uses, commercial uses with larger setbacks, and irregular blocks along arterial streets. The area consists of primarily one- to two-story buildings with some buildings up to four stories along Leetsdale Drive. The proposed rezoning is a block east of the City of Glendale boundary and one block north of Mir Park (Glendale). Four Mile Historic Park is located less than ¼ mile south of the subject site and George Washington High School is located ¼ mile to the east along Leetsdale Drive. The site is served by high-frequency transit along Leetsdale Drive.

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

<table>
<thead>
<tr>
<th>Site</th>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Existing Building Form/Scale</th>
<th>Existing Block, Lot, Street Pattern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>B-1 with waivers</td>
<td>Commercial</td>
<td>1-story drive-through ATM structure with large setbacks and drive aisle between buildings and street</td>
<td>Modified grid street patterns with attached sidewalks and without alleys.</td>
</tr>
<tr>
<td>North</td>
<td>E-CC-3 UO-1, UO-2</td>
<td>Commercial</td>
<td>1-story commercial structure with large setbacks and parking between buildings and street</td>
<td>Suburban pattern of irregular shaped blocks and parking</td>
</tr>
</tbody>
</table>
1. **Existing Zoning**

The current zoning of the subject site is B-1 with waivers. The B-1 zone district is a Former Chapter 59 zone district and it is a limited office district intended to form a transition between more intense commercial and lower intensity residential land uses. Other than banking and financial services, retail uses are not permitted. The maximum allowable floor area ratio (which is the measurement of a building’s floor area in relation to the size of the parcel) in the B-1 district is 1:1.

The approved waivers restrict building heights to a maximum of 35 feet and limit gross floor area of all structures to less than or equal to 110,000 square feet.
2. Existing Land Use Map

![Existing Land Use Map](image)

3. Existing Building Form and Scale

*All images from Google Maps Street View.*

![Existing Building Form](image)

Subject site facing south from Leetsdale Drive
Multi-unit residential to the west of the subject site facing southwest from Leetsdale Drive

Commerical/retail uses to the north of the subject site facing north from Leetsdale Drive

Office building to the east of the subject site facing south from Leetsdale Drive
Office building to the south of the subject site facing east from S. Forest Street

**Proposed Zoning**
The requested S-MX-3 zone district allows a mix of uses including a variety of residential uses and office uses (with limitations for dental or medical offices). Some uses within the Retail Sales, Service & Repair use category, such as Food Sales or Market and Retail Sales, Service & Repair are permitted. The requested S-MX-3 zone district has a maximum height in feet of 45’ with allowable exceptions. The minimum primary street front setback is 0’. Side interior setbacks are 0’ except adjacent to a protected district, where they are 10’. The rear setback is 0’, except adjacent to a protected district, where it is 0’ where an alley is present and 10’ where there is no alley. For additional details of the requested zone district, see Article 3 of the Denver Zoning Code.

The primary building form standards for the proposed zone district are summarized below.

<table>
<thead>
<tr>
<th>Design Standards</th>
<th>B-1 (Waivers)</th>
<th>S-MX-3 (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Building Forms Allowed</td>
<td>n/a</td>
<td>Drive Thru Services*; Drive Thru Restaurant*; General; Shopfront</td>
</tr>
<tr>
<td>Height in Stories/Feet (max)</td>
<td>35’</td>
<td>3/45’</td>
</tr>
<tr>
<td>Primary Street Build-To Percentages (min)</td>
<td>n/a</td>
<td>50% or 75% or n/a**</td>
</tr>
<tr>
<td>Primary Street Build-To Ranges</td>
<td>n/a</td>
<td>0’ to 80’, 0’-150’, 0’ to 10’, or n/a**</td>
</tr>
<tr>
<td>Minimum Zone Lot Size/Width</td>
<td>n/a</td>
<td>N/A</td>
</tr>
<tr>
<td>Primary Street Setbacks (min)</td>
<td>10’</td>
<td>0’</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>1:1</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Building form not allowed within ¼ mile of a transit station platform
**Standard varies between building forms

**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.

Department of Public Health and Environment: Approved – No Comments.

Denver Parks and Recreation: Approved – No Comments.


Development Services - Transportation: Approved – No Response.

1. DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – See Comments Below.
1. Approve rezoning only. Will require additional information at Site Plan Review.


Public Review Process

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/3/2021</td>
<td>CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:</td>
</tr>
<tr>
<td>7/20/2021</td>
<td>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:</td>
</tr>
<tr>
<td>8/4/2021</td>
<td>Planning Board Public Hearing:</td>
</tr>
</tbody>
</table>
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 (10) working days before the meeting: 7/26/2021

Land Use, Transportation, and Infrastructure Committee of the City Council (tentative): 8/10/2021

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): 9/6/2021

City Council Public Hearing (tentative): 9/27/2021

• Public Outreach and Input
  o Registered Neighborhood Organizations (RNOs)
    To date, staff has received no comment letters from Registered Neighborhood Organizations.
  o General Public Comments
    To date, staff has received no other public comment letters.

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 currently apply to this site:
• Denver Comprehensive Plan 2040
• Blueprint Denver (2019)
Denver Comprehensive Plan 2040

The proposed legislative rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 goals and strategies. The following goals apply from the 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 7, Strategy B – Prioritize infrastructure improvements that allow for residents of all abilities to access and live in any neighborhood (p. 30).

The proposed map amendment will further the Comprehensive Plan 2040’s Equitable, Affordable and Inclusive Goal to ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. The S-MX-3 zone district allows for a variety of uses including public services, cultural, commercial, and residential uses. The list of permitted uses will provide basic services and amenities to the residents in the surrounding neighborhoods. In addition, the design standards in the proposed districts will promote greater accessibility to the uses established along the Leetsdale Drive corridor. The rezoning is, therefore, consistent with the above strategies in the Equitable, Affordable, and Inclusive vision element.

The following goals and strategies apply from 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 D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

The requested map amendment will enable additional mixed-use development at an infill location which is consistent with the strategies in the Strong and Authentic vision element.

Similarly, the proposed legislative rezoning meets the following strategies in the Environmentally Resilient vision element:

- 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).

The applicant proposes to reuse an existing building and the site is an infill location where infrastructure is already in place and provides services in proximity to residential neighborhoods, which is consistent with the above strategies in the Environmentally Resilient vision element. The requested S-MX-3 zone district broadens the variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with Denver Comprehensive Plan 2040 recommendations.
**Blueprint Denver**

Blueprint Denver is Denver’s citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to Comprehensive Plan 2040. Blueprint Denver identifies the subject site as part of a Community Corridor within the Suburban Neighborhood Context which is described as pedestrian-oriented, transit-supported community destinations where the plan recommends focusing growth over the next 20 years. The proposed rezoning will promote development that supports the complete neighborhood and transportation network vision in Blueprint Denver, including neighborhood context, place, street type and growth guidance.

**Blueprint Denver Future Neighborhood Context**

![Blueprint Denver Future Neighborhood Context Diagram](image)

The subject site is within the Suburban neighborhood context. The suburban context “represents the most varied development in Denver’s neighborhoods. Homes in this context are largely single unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas” (p. 189). The proposed S-MX-3 zone district is within the Suburban Context, which is “characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks” (Section 3.1.1, DZC). The proposed zone district, which allows a mix of uses in buildings up to three stories, is consistent with the Blueprint Denver Future Neighborhood Context plan direction.
The subject property is mapped as Community Corridor in the Future Places Map. In the Suburban context, areas designated as Community Corridors “typically provide some mix of office, commercial and residential...Buildings have a distinctly linear orientation, [and]... heights are generally up to 5 stories” (p. 196). The proposed zone district is a mixed-use district that allows a mix of civic, residential, and commercial uses in buildings up to three stories. Therefore, the proposed S-MX-3 zone district is consistent with the Community Corridor Blueprint Denver Future Places plan direction.

Street Types

“Blueprint Denver’s streettypology is intended to serve as a framework to develop context-sensitive street design guidelines and to update regulations and standards for how streets are designed” (p. 155). Street types tend to be consistent over larger stretches of roads rather than varying at the parcel level. For the purposes of rezonings, the street types are intended to “work in concert with the future place” to inform “the appropriateness of the intensity of the adjacent development” (p. 67). Leetsdale Drive is classified as a Commercial Arterial street which, “typically contain[s] commercial uses including shopping centers, auto services and offices” (p. 159). These types of arterial streets tend to support a higher level of adjacent development intensity than collector or local streets. South Forest Street is classified as a Local Street. These streets are designed for the
highest degree of property access and the lowest amount of through movement” (p. 154). Land uses along local streets vary, but they are most often characterized by residential uses (p. 161).

The proposed S-MX-3 zone district “applies to areas or intersections served primarily by local or collector streets” (DZC Section 3.2.4.2.D), indicating that this zone district is compatible along streets that can support less land use intensity than Leetsdale Drive at this location.

Growth Strategy

The Future Growth Areas map, which is a version of the future places map, designates the subject property as “Community Centers and Corridors”, which are anticipated to account for 20 percent of jobs and 25 percent of new households in the city by the year 2040. “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to S-MX-3 will focus an appropriate intensity of mixed-use growth to a Community Corridor where it has been determined to be most appropriate and, therefore, is consistent with the Blueprint Denver Future Growth Areas plan direction.
Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning. This site currently has a Former Chapter 59 zone district with custom zoning in the form of a waiver and two strategies from the Land Use & Built Form: General section, Policy 3 are relevant for this proposed rezoning:

- **Strategy 3** states, “Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code” (p. 73).
- **Strategy B** states, “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73).

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

The proposed rezoning to S-MX-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 through implementation of adopted plans as detailed above. The proposal will maintain compatible scale and intensity in terms of the allowed mix of uses and allowed building scale. Additionally, the application notes that the proposed zone district contains design standards that reinforce the desired character of the area and encourage better built form outcomes. Generally speaking, these standards can provide improved public health and general welfare outcomes compared to the current zoning. The proposed S-MX-3 zone district facilitates increased density in a variety of building forms as well as a mix of uses, which have been linked to increased physical activity,\(^1\) decreased obesity,\(^2\) and decreased driving.\(^3\)

4. **Justifying Circumstance**

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, “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 change may include: (c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering to the property, is an appropriate justifying circumstance for the proposed rezoning.

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\(^3\) Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.
5. Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements

The Suburban Context is characterized by single-unit, and multi-unit residential, commercial strips and centers, and office parks. Multi-unit building forms are typically separated from single-unit residential and consist of Duplex or Town House and occasional mid- and high-rise Apartment building forms. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Multi-unit and commercial uses are primarily located along arterial and collector streets. The block patterns in the Suburban Context are irregular and shaped by curvilinear streets and modified grid streets. The requested S-MX-3 zone district is consistent with the neighborhood context description.

The Suburban Mixed-Use zone districts are intended to “promote safe, active, pedestrian-scaled, diverse areas... The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections...The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods” (DZC, Section 3.2.4.1). The S-MX-3 zone district is a Mixed-Use zone district intended for areas served by local or collector streets where a building scale of 1-3 stories is desired.

The proposed map amendment is consistent with the mixed-use intent described in the Suburban Neighborhood Context. The proposed development will be limited to a moderate scale on the zone lot and any mixed-use development that will result from this rezoning will complement the character of existing surrounding neighborhood. The S-MX-3 zone district is consistent with both the general and specific purpose and intent of the Suburban Context, and the S-MX-3 zone district description.

Attachments
   1. Application
   2. Currently Adopted Ordinance