TO: Denver Planning Board  
FROM: Jason Morrison, Senior City Planner  
DATE: July 8th, 2020  
RE: Official Zoning Map Amendment Application #2019I-00243

Staff Report and Recommendation
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00243.

Request for Rezoning
Address: 2535-2545 E. Asbury Avenue  
RNOs: Southside Unified, University Park Community Council, Inter-Neighborhood Cooperation (INC)  
Area of Property: 15,000 square feet or 0.34 acres  
Current Zoning: PUD 278  
Proposed Zoning: E-MU-2.5  
Property Owner(s): 2535 Asbury Partners, LLC.  
Owner Representative: John Glaser

Summary of Rezoning Request
- The subject site is located in the University Park neighborhood on the north side of East Asbury Avenue between South Columbine Street and South Clayton Street.
- The subject site is currently zoned PUD 278, which was established in 1990 and is a custom zone district from Former Chapter 59 zoning that allows for one multi-unit apartment building and one single-unit building for a maximum number of 21 dwelling units with a maximum height of two-stories and 20 feet maximum height. All other uses in the R-1 (Single-Unit Detached Dwellings, Low Density) zone district are permitted.
- The property owner is requesting a rezoning to correct a discrepancy between the number of dwelling units permitted by the PUD (21 units) and the actual number of units in the development (23 units). The discrepancy was discovered after the property owner purchased the property and requested a zoning letter from the City as part of real estate due diligence. The letter indicated that the existing improvements on the property were not in conformance with the zoning established by PUD 278, and that a rezoning would be needed to correct this noncompliance issue.
- The E-MU-2.5 (Urban Edge, Multi-Unit, 2.5 story) zone district is found in the Urban Edge neighborhood context and is a multi-unit district allowing suburban house, urban house, duplex, tandem house, garden court, townhouse and apartment forms where all primary building forms are not taller than 2.5 stories in height. Additional details of the E-MU-2.5 zone district can be found in Article 4 of the Denver Zoning Code.
Existing Context
The subject site is located in the University Park neighborhood on East Asbury Avenue between South Columbine Street and South Clayton Street. The subject site sits between an area primarily composed of multi-unit residential buildings to the west, and single- and two-unit residential to the east and south.

The subject site is less than one block south of an open space trail along Buchtel Boulevard (Prairie Park) and less than ¼ mile from Observatory Park to the south. The University of Denver campus is located approximately ¼ mile to the west. The subject site is more than ½ mile from the University of Denver Light Rail Station which runs along Interstate 25. Additionally, the subject site is served by high-capacity bus transit two blocks to the west (University Boulevard) and one block to the south (Evans Avenue).

The following table summarizes the existing building form 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>PUD 278</td>
<td>Multi-Unit, Single-Unit Residential</td>
<td>One, two-story apartment and one, single-unit dwelling with a moderate setback from East Asbury Avenue</td>
<td>Generally regular grid of streets interrupted to the north by Buchtel Boulevard and Interstate 25</td>
</tr>
<tr>
<td>North</td>
<td>E-SU-D</td>
<td>Single-Unit Residential</td>
<td>One-story residential with a moderate setback from South Clayton Street</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>U-TU-C</td>
<td>Two-Unit Residential</td>
<td>Two-story duplex with a moderate setback from South Clayton Street</td>
<td></td>
</tr>
</tbody>
</table>
### Existing Zoning

<table>
<thead>
<tr>
<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>West</td>
<td>G-MU-3, UO-3</td>
<td>Three-story apartment with moderate setback from South Clayton Street and East Asbury Avenue</td>
<td>Block sizes and shapes are generally consistent and rectangular. Rear-loaded garages with alleys.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>E-SU-D</td>
<td>One-story residential with a moderate setback from South Clayton Street</td>
<td></td>
</tr>
</tbody>
</table>

#### 1. Existing Zoning

The subject site is currently zoned PUD 278, which is a custom zone district from Former Chapter 59 zoning and allows for one, multi-unit building and one, single-unit building for a maximum number of 21 units with a maximum height of two-stories and 20 feet maximum height. Rooftop features including antennas, chimneys, solar equipment and AC units may exceed this height limitation by five feet maximum. Within the PUD, maximum building coverage (including garages and accessory structures) can’t exceed 23.9%. Front, rear, and side setbacks are specified within the PUD and permitted encroachments into the minimum setbacks must conform to those allowed in the Former Chapter 59 R-3 (Multi-Unit Dwellings, High Density) zone district.
2. Existing Land Use Map

3. Existing Building Form and Scale

All images are from Google Street View.
One-unit residential east of the subject site, facing east from South Clayton Street.

Two-unit (2-story) residential south of the subject site, facing west from East Asbury Avenue.

Three-story apartments west of the subject site (across alley separating South Columbine Street and South Clayton Street), facing east from South Columbine Street.
One-unit residential north of the subject site, facing west from South Clayton Street

**Proposed Zoning**

The requested E-MU-2.5 zone district is found in the Urban Edge neighborhood context. It is a multi-unit zone district that allows for residential uses in a variety of building forms including: Urban House, Suburban House, Duplex, Tandem House, Town House, Garden Court and Apartment primary building forms. Block sensitive setbacks apply to all building forms in the E-MU-2.5 zone district and all allowed primary building forms may attain a maximum height of 35 feet with increased lot widths. All Primary building forms allow up to 2.5 stories, except the Apartment building form. The Apartment building form in the E-MU-2.5 zone district allows a maximum height of two stories. Minimum vehicle parking requirements in the E-MU-2.5 are generally the same or lower than the minimum vehicle parking requirements in the existing PUD 278. For additional details of the requested zone district, see Article 4 of the Denver Zoning Code.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized here:

<table>
<thead>
<tr>
<th>Design Standards</th>
<th>Existing PUD 278</th>
<th>Proposed E-MU-2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Building Forms Allowed</td>
<td>Single-Unit,</td>
<td>Urban House, Suburban House, Duplex, Tandem House, Town House, Garden Court and</td>
</tr>
<tr>
<td></td>
<td>Multi-Unit</td>
<td>Apartment</td>
</tr>
<tr>
<td>Height in Stories / Feet (max)</td>
<td>2 stories / 20’*</td>
<td>2.5 stories / 35’**</td>
</tr>
<tr>
<td>Primary Street Build-To Range (min)</td>
<td>N/A</td>
<td>70% (Town House)</td>
</tr>
<tr>
<td>Minimum Zone Lot Size/Width</td>
<td>N/A</td>
<td>4,500sf – 9,000sf /35’-75’**</td>
</tr>
<tr>
<td>Primary Street Setbacks (min)</td>
<td>10’</td>
<td>Block Sensitive</td>
</tr>
<tr>
<td>Building Coverages (max)</td>
<td>23.9%</td>
<td>37.5%-50%**</td>
</tr>
</tbody>
</table>

*Allowable encroachments up to 5 feet maximum
**Standards vary by building form and zone lot width
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 Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See Comments Below

1. DDPHE concurs with this proposed rezoning and is unaware of environmental concerns that should be considered for this rezoning.

2. General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

3. The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

4. Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

5. Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.
Denver Parks and Recreation: Approved – No Comments

Public Works – R.O.W.- City Surveyor: Approved – No Comments

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – See Comments Below
1. DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services- Wastewater: Approved – See Comments Below
1. Denver DOTI/ROWS/DES-WASTEWATER has no objection to the map amendment; however, applicant should be under notice that Denver Wastewater will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity and access (easements may be necessary). A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Public Review Process

<table>
<thead>
<tr>
<th>Date</th>
<th>CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/26/2020</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>6/30/2020</td>
<td>Planning Board public hearing</td>
</tr>
<tr>
<td>7/15/2020</td>
<td>CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood</td>
</tr>
<tr>
<td>TBD</td>
<td></td>
</tr>
</tbody>
</table>


organizations, at least ten working days before the meeting (tentative):

| Land Use, Transportation and Infrastructure Committee of the City Council (tentative): | TBD |
| 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): | TBD |
| City Council Public Hearing (tentative): | TBD |

- **Registered Neighborhood Organizations (RNOs):** At the time of this staff report, staff has received one letter of support from the University Park Community Council RNO. A copy of this letter is attached to this staff report.

- **Other Public Comment:** At the time of this staff report, staff has received one letter of opposition. A copy of this letter is attached to this staff report and contains concerns about limited parking, falling home values and increased density.

**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 property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *University Park Neighborhood Plan (2007)*

**Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategies apply from 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* (p. 28).

• Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood* (p. 28).

The requested E-MU-2.5 zone district will allow a mix of housing options, including Urban House, Suburban House, Duplex, Tandem House, Town House, Garden Court and Apartment primary building forms. The subject site is located blocks away from high-capacity transit along South University Boulevard and East Evans Avenue and will allow for multi-unit residential just over ½ mile from the University of Denver Light Rail station served by the Regional Transportation District. The request is therefore consistent with the above strategies in the Equitable, Affordable and Inclusive vision element.

The following strategies apply from the 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).

In addition to offering a mix of housing types for a diverse population, including student housing, the zone district will also apply current, form-based zoning code standards, ensuring quality development appropriate for the neighborhood. The proposed zone district provides a valuable transition between existing high-density multi-unit residential to the west, and single- and two-unit residential to the south and east. Furthermore, all allowed primary building forms must comply with block sensitive setbacks which adhere to the existing neighborhood pattern. The request is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the application is also consistent with 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 C – *Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. Similarly, the proposal focuses any future growth that results from this rezoning close to high-capacity transit (South University Boulevard and East Evans Avenue). Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage. Rezoning to facilitate redevelopment of this site advances the Environmentally Resilient strategies of 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 area within the Urban Edge neighborhood context and provides guidance from the future growth strategy for the city.

**Blueprint Denver Future Neighborhood Context**

The subject site is shown on the context map as an Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). Blueprint Denver describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206).

The proposed E-MU-2.5 zone district is a multi-unit zone district and part of the Urban Edge neighborhood context and is intended, “to promote and protect residential neighborhoods within the character of the Urban Edge neighborhood context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). The proposed rezoning to
E-MU-2.5 is appropriate and consistent with the Urban Edge neighborhood context plan direction and will ensure quality development appropriate for the University Park neighborhood.

**Blueprint Denver Future Places**

Within the Urban Edge Neighborhood Context, the subject property is categorized as a Low Residential future place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Buildings are generally up to 2.5 stories in height” (p. 214).

The residential emphasis and the 2- to 2.5-story height maximums of the proposed E-MU-2.5 zone district are consistent with this plan direction. However, the E-MU-2.5 zone district is a multi-unit district with a variety of residential building forms including single, two-unit, and lower-scale multi-unit residential. *Blueprint Denver* acknowledges that since the Future Places map is a citywide map, “the boundaries of the map should be interpreted with limited flexibility, especially at edges, if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the places map” (p.66). As depicted in the map above, the residential alley serving South Clayton Street and South Columbine Street acts as the dividing edge between the Low Residential and the Low-Medium Residential classification. This rezoning request also furthers many of the goals in *Blueprint Denver* via the following policies:

- Encouraging higher-density development in transit-rich areas (General Land Use & Built Form Policy 01)
- Rezoning properties from Former Chapter 59 Zoning (General Land Use & Built Form Policy 03)
Diversifying housing options by exploring opportunities to integrate missing middle housing into low residential areas (Housing Land Use & Built Form Policy 02)

Incentivizing the preservation of structures that contribute to the established character of an area (Design Quality and Preservation Policy 06)

Furthermore, the creation of PUD 278 in the 1990’s enabled a small-scale multi-unit use at this location and a transition to the E-MU-2.5 zone district will not disrupt the existing character along East Asbury Avenue. Any new development that may result from this rezoning will comply with building form standards, design standards, and uses that work together to promote safe, active, pedestrian-scaled residential areas (DZC 4.2.2.1). Therefore, the request to E-MU-2.5 is consistent with the overall intent of the Future Places map, and the E-MU-2.5 zone district is the closest district available that balances plan direction and the existing condition.

Street Types

*Blueprint Denver* street types work with future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies South Clayton Street and East Asbury Avenue as undesignated local streets. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). These streets contain primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

The proposed E-MU-2.5 zone district is consistent with this plan direction for this location as, “multi-unit residential uses are located along local streets, arterials and main streets” (DZC 4.1.1). In addition, block sizes and shapes within the E-MU-2.5 district are consistent and include detached sidewalks, tree lawns, and landscaping in the front setback to promote pedestrian and bicycle activity.
**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 located within “All Other Areas of the City”, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to E-MU-2.5 will enable compatible residential growth for this location.

**Strategies**

*Blueprint Denver* provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code. Land Use & Built Form: General Policy 3, Strategy B, says, “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). That same policy also speaks to custom zoning such as PUDs; Strategy B says, “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). Therefore, the proposed rezoning to come from custom zoning under Former Chapter 59 to a standard zone district such as E-MU-2.5 under the DZC is consistent with *Blueprint Denver*. 
Small Area Plan: University Park Neighborhood Plan

The University Park Neighborhood Plan was adopted by Denver City Council in 2007 and applies to the subject site. The format of the University Park Neighborhood Plan includes general framework plan recommendations that apply throughout the planning area as well as subarea recommendations that apply in smaller subareas.

General Framework
The overarching theme of the University Park Neighborhood Plan is to create and nurture a community that accommodates a wide variety of uses and people in an environment that enhances the quality of life for residents and the vitality businesses (p.51). Urban Design & Land Use goals in the plan address the elements of existing community structure, public spaces (including building form, orientation and character) and articulate desired future land use and development patterns. The proposed rezoning to E-MU-2.5 is consistent with the following Urban Design & Land Use Goals:

- **Goal 2: Residential Neighborhood Character Stability:** Preserve the single-family nature of University Park’s residential neighborhood and respect the urban design and the architectural character of established and preferred residential forms.
- **Goal 4: Diverse Housing Options in Appropriate Locations:** Diversify the mix of housing types near transit amenities to allow residents to age in place, live without the daily use of a car and accommodate the housing needs of empty-nesters, students, young professionals and families.

The intent of the E-MU-2.5 zone district is to promote and protect residential neighborhoods within the character of the Urban Edge neighborhood context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood (DZC 4.2.2.1). The subject site sits on the edge of multi-unit uses to the west and single- and two-unit uses to the east and will serve as a valuable transition between these residential building forms. The subject site contains a previously established multi-unit use and a rezoning to E-MU-2.5 will not change the character in this area. Furthermore, rezoning out of the Former Chapter 59 zoning will apply modern zoning code standards which will ensure quality infill development and streetscape that is appropriate for the surrounding context if the site is ever redeveloped. Therefore, this rezoning is consistent with the general framework of the University Park Neighborhood Plan and the site will continue to provide a diverse mix of housing options near transit amenities and large activity centers.

Subarea Recommendations
The University Park Neighborhood Plan also organizes the neighborhood into subareas and provides recommendations for each of these smaller neighborhood areas. The subject site is in the Single-Family Residential Neighborhood subarea which is described as having predominately single-family homes with occasional duplexes interspersed. Buildings of one to two stories in height characterize the prevailing degree of development, and “any higher-intensity buildings should help to form a transition between the prevailing neighborhood pattern and an activity center” (p.63).
The proposed rezoning to E-MU-2.5 is consistent with the Single Family Residential Neighborhood subarea recommendations because the previously established small-scale multi-unit use will continue to provide an important transition between the prevailing neighborhood pattern of single- and two-unit to the east and south, and the higher-density activity center along University Boulevard/University of Denver to the west. The proposed E-MU-2.5 zone district is an appropriate zone district on the edge of this subarea and will encourage any development that results from this rezoning to be consistent with the subarea’s urban design & land use recommendations by reinforcing residential character and maintaining the established scale of primary building forms.
2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MU-2.5 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 site zoned E-MU-2.5.

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. 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 changed or changing conditions 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 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 zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 278 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood. Finally, a rezoning on this property will bring the property into conformance with the Denver Zoning Code by correcting the previously stated discrepancy between the number of units permitted by the PUD (21 units) and the actual number of units in the development (23 units).

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

The Denver Zoning Code describes the Urban Edge context as a mix of elements from both the Urban and Suburban Neighborhood contexts with primarily single and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are also embedded in residential areas. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment forms. Multi-unit residential and commercial uses are located along local streets, arterials and main streets. The neighborhood context consists of a regular pattern of block shapes surrounded by a grid or modified grid street system, and a mixed presence of alleys. Block sizes are consistent and include attached, detached and non-existent sidewalks. The Urban Edge context is characterized by low scale buildings except for some mid-rise commercial and mixed-use structures, particularly at nodes or along arterial

3 Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.
streets. There is typically reliance on automobiles with low to medium access to the multi-modal transportation system. (Division 4.1)

The proposed E-MU-2.5 zone district is consistent with the neighborhood context description and appropriate for this location because it is a multi-unit district allowing a variety of building forms, compatible height, and building form/design standards. This East Asbury Avenue location is appropriate for the Urban Edge neighborhood context because the uses, lots, and street and block patterns in the area are consistent with the neighborhood context description. The building form standards and uses work together to promote safe, active, pedestrian-scaled residential areas.

In addition to allowing the above building forms, the specific intent of the residential districts is, “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.” (DZC 4.2.2.1.A). The E-MU-2.5 zone district allows urban house, detached accessory dwelling unit, duplex, tandem house, row house, garden court, town house and apartment building forms up to two and a half stories in height depending on building form” (DZC 4.2.2.2.A).

The proposed rezoning is consistent with the General Purpose and Specific Intent as it will encourage multi-unit residential of up to 2.5 stories within the character of the Urban Edge neighborhood context. This direction is consistent with the existing uses in the neighborhood. The site is located in an area where low-scale multi-residential uses are envisioned to act as a transition between bustling activity centers and prevailing residential areas.

**Attachments**

1. Existing PUD
2. Application
3. Public Comment
<table>
<thead>
<tr>
<th>1. Applicant</th>
<th>Oldham Planning &amp; Design Associates, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact</td>
<td>Karen Henry</td>
</tr>
</tbody>
</table>

| 2. Address                   | 158 Fillmore, Ste. 200                   |
| 3. Phone No.                 | 322-8266                                 |

| 4. Interest                  | ☑ Owner(s)                               |

| 5. Owners of Property or Properties (if not the Applicant) | Sun Savings & Loan Assoc. A Colorado Corporation |

| 6. Address                   | 11500 Sun Way P.O. Box 1089 Parker, Colorado 80134 |
| 7. Phone No.                 | 841-2241                                 |

| 8. Location of Proposed Change | 2535 and 2545 E. Asbury Avenue, Denver, Colorado |

| 9. Legal Description of Property: (If legal description is lengthy, please attach additional sheet.) | Lots: 23 through 26 Block: 6 Addition: University Park - Amended Map. City and County of Denver, State of Colorado |

| 10. Area of Subject Property, Sq. Ft. or Acres | 15,900 s.f. (0.365 acres) |
| 11. Present Zone | R-1 |

| 12. Proposed Zone | PUD |

| 13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the change of changing conditions making the proposed amendment necessary. |

This property was built in the 1940's as a rooming and boarding house prior to the property being zoned R-1. The property has been operated as a nonconforming use, which was registered March 9, 1959, in book 8322 page 26, in the R-1 district. Located in close proximity to the University of Denver campus, the property has over the years housed primarily students from the University. However, times have changed and rooming and boarding without the ability for some type of minor cookery is becoming less appealing or economical for students and other tenants. The rezoning of this property will provide a more complete living environment while being responsive and compatible with the surrounding neighborhood. The adjacent zoning includes R-2 to the northwest and south of the property and R-3 directly to the west. R-1 is located to the north and east of the property. A rezoning to PUD would remove the nonconforming status of the property and respond to change in conditions as well as the change in the market creating efficiency apartment type dwellings.

| 14. Use and development proposed for the property to be rezoned. |

This PUD proposes that the uses and development of this property basically remain the same. The existing uses which this PUD addresses directly include a single family residence and an efficiency apartment dwelling building. Other uses as listed on page 2 are permitted, but will require a change to the existing facilities. This PUD changes the use of the main multi-unit building from rooming and boarding to efficiency dwellings. Previously, no cooking was provided for in the units. The intent is to allow for the addition of microwave ovens in the units allowing for eating/cooking in the units without the hazard of fire. This proposed change creates a more compatible use with the surrounding neighborhood and creates a more viable, safer living situation. The PUD outlines the intent for the continued use of the property as dwelling units and establishes the criteria and restrictions that are in conformance with the surrounding environment and the City of Denver Code.

| 16. Applicant's Signature | Karen Z. Henry |
1. Schedule
   a. Date of pre-application conference
      October 5, 1989
   b. Submittal date of preliminary application
      November 3, 1989
   c. Submittal date of completed application
      December 1, 1989
   d. Planning Board or Planning Office
      hearing date
      January 10, 1990

Applicant requests a Planning Office hearing instead of the
standard Planning Board hearing yes [X] no [ ].

Applicant has met with and discussed PUD proposal with neigh-
borhood association(s) yes(X) no( ) and affected adjacent
residents yes(X) no( ).

2. a. Maximum gross floor area* for each proposed use. Explain or
    define the uses. Terms like "retail" or "light industrial"
    must be defined in detail. To do this the applicant should
    refer to the various uses listed under specific zone dis-
    tricts in the Zoning Code, and should choose a title which
    accurately describes the proposed use.

    Single unit dwelling, multi unit dwelling
    use
    sq ft maximum

    rooming & boarding, parish house, monastery,
    use
    sq ft maximum

    convent or similar, residence for the elderly,
    use consular residence
    sq ft maximum

    TOTAL F.A.R. approx. .62:1
    (Floor Area Ratio, gross
    floor area divided by
    site area) **
    TOTAL * SQ FT MAXIMUM

    Existing FAR: .62:1
    * Future uses under this PUD shall not exceed the
    the existing square footage of approximately
    10,000 s.f.

    For residential uses
    Maximum number of dwelling units:
    Density (ratio of dwelling units per
    acre):
    21
    57 du ac
    n/a

    For non-residential uses F.A.R. =

    *Note: Gross floor area does not include the floor area of
    parking garages or basement areas used for storage or utili-
    ties. The Zoning Code definition of gross floor area shall
    be used in determining floor areas in this project.

    **Note: Land area to be dedicated for public streets should
    not be included in the site area.

ote: The use of the terms "Article" or "Section" refer to portions
of the Revised Municipal Code of the City and County of Denver.

ote: Any future redevelopment other than those uses listed above or requiring additional
square footage or new structures not developed under the existing parameters will require
a new PUD.

rm 8-2.8 2A(Rev. 4/88)
b. Land coverage by building and impervious surfaces:

Maximum building coverage

3800 sq. ft. = 23.9 % of site area.

Maximum area of drives & parking

3800 sq. ft. = 23.9 % of site area.

Approximate area of walks, patio and paved recreation areas

660 sq. ft. = 4.2 % of site area.

Approximate area of other impervious surfaces:

0 sq. ft. = 0 % of site area.

Total impervious area

8260 sq. ft. = 52 % of site area.

c. Landscaped area and/or permeable areas

Lawn, planting beds and other landscaped areas with permeable surface (this area consists of organic materials)

minimum 6060 sq. ft. = 38.1 % of site area.

Others (Gravelled or other areas with permeable surface

approximate 1580 sq. ft. = 9.9 % of site area.

Total area

7640 sq. ft. = 48 % of site area.

(minimum)

d. Project area totals: (totals of "b" and "c" above)

Landscaped areas (permeable surfaces) 7640 sq. ft.

Building and impervious surfaces 8260 sq. ft.

Total site area 15,900 sq. ft.

(this total must equal the site area listed on page 1)

e. Setbacks: The minimum setbacks for buildings (excluding fences and walls) are shown on the District Plan. Encroachments are permitted in these setback areas as regulated by Sec. 29-179 (R-3 zone). The minimum spacing between buildings and other important spacing requirements are shown on the District Plan. Official Parkway setback requirements for this street are n/a feet for structures and n/a for signs.

f. The maximum height of structures shall be 2 stories which shall not exceed a total of approx. 20* feet. Rooftop features (solar collectors, antennas, chimneys, flues, vents, air conditioning equipment) may exceed this height limit by 5 feet. Flag poles may exceed these limits. The height of a building shall be determined by the vertical

* The height of the structures can not exceed that which is existing.

Form 8-3.8 2A(Rev. 3/88)
distance from the highest point of a pitched roof or to the
highest parapet around a flat roof to the average elevation
of the corners of the proposed building at the finished
grade.

If bulk plane restrictions are to be utilized, such restric-
tions shall conform to those of the n/a zone district.

g. Off-Street Parking: This project shall contain 19
parking spaces at the ratios shown in paragraph (4) below.
The applicant shall abide by the requirements of Article V,
Off-Street parking requirements: [ ] yes [x] no.

If not, the following information must be provided.

<table>
<thead>
<tr>
<th>(1) parking space dimensions: compact space standard space</th>
<th>8'x18'</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Driving aisle minimum widths: Angle of stalls:</td>
<td>9'x19'</td>
</tr>
<tr>
<td>(3) Ratio of compact spaces to standard spaces:</td>
<td>12'</td>
</tr>
<tr>
<td>(4) Ratio of parking spaces to building floor areas by use:</td>
<td></td>
</tr>
<tr>
<td>(a) Use: multiple unit dwelling</td>
<td>Ratio: 90°</td>
</tr>
<tr>
<td>(b) Use:</td>
<td>Ratio:</td>
</tr>
<tr>
<td>(c) Use:</td>
<td>Ratio:</td>
</tr>
<tr>
<td>(4) Ratio of parking spaces to building floor areas by use:</td>
<td></td>
</tr>
<tr>
<td>(d) Spaces per dwelling unit</td>
<td>50%</td>
</tr>
</tbody>
</table>

h. Off-Street Loading Spaces. The project will contain 0
off-street loading spaces. Applicant will provide such
spaces in conformance with Article VI, Off-Street Loading
Requirements: [ ] yes [x] no. If not, list the
dimensions of the spaces provided.

i. Surface Drainage: The owner understands that the rules and
regulations of the Wastewater Management Division will re-
quire certain design considerations and construction features
to control surface water runoff. The site contains [ ], does
not contain [x] a flood hazard area as identified by the
Flood Insurance Rate maps as published by the Federal Emer-
gency Management Agency. (For assistance, contact Wastewater
Management at 295-1451)

j. Interior streets, drives, parking areas and pedestrian walk-
ways within the P.U.D. district, if any, are shown on the
District Plan.

k. Easements: Existing and/or proposed utility and/or access
easements are shown on the District Plan or are located as
follows: Water eastward from buildings to Clayton Street. Sewer connection
south from residence to Asbury Street and west from multi unit building to alley.
1. Landscaping and buffering: Areas to be landscaped are shown on the District Plan. However, a more detailed landscaping plan may be required by the Planning Office as a part of this application. (A detailed landscape plan is required as a part of the site plan review phase after the rezone is approved.) If no plan is required with this application the following information must be provided: Landscaping is existing

(1) Minimum number of trees to be planted (existing) 12
(2) Minimum size of trees at time of planting: 
(3) Minimum percent of evergreen or coniferous trees: n/a
(4) Minimum number of shrubs to be planted: n/a
(5) Minimum size of container for planted shrubs: 9+ 0 250' he

Please indicate if this information applies to the entire site including the parking area [x], or if it applies to the site without the parking area [x]. If the answer to the 2nd part of the preceding question is affirmative, will the applicant comply with the parking lot landscaping requirements of Sec. 59-585(10) yes [ ] no [x].

All foliage shall be maintained in a healthy and growing condition. Where street trees are proposed or required on the public right-of-way, such trees shall be installed in accordance with the requirements of the City Forester. (575-3053 or 575-2571). Number of street trees proposed: 0. If street tree plantings are required along a state highway contact the Highway Department for approval. (Phone no. 757-9514)

Fences and/or walls: The maximum height of fences and/or walls which may be built on the P.U.D. district boundaries and within the building setback areas shall be 6 feet. Such fences and/or walls shall be solid, view-obscuring [x] or open, view-permitting [x]. To provide the minimum screening such fences and/or walls shall be installed as shown on the District Plan. If certain fences and walls are required by the City to protect adjoining residents, and such fences and walls are deemed undesirable by adjoining residents, such requirement may be waived by the Director of Planning. The maximum height of fences and/or walls within the interior area of the P.U.D. district shall be 6 feet.

Earthen berms or mounds for screening or decorative purposes shall be installed (where?) No
Such features will [ ] will not [ ] be landscaped. The maximum height of such features shall be feet. The minimum height shall be n/a feet.

n. Boat, camper, trailer and recreation vehicle storage will [ ] will not [x] be permitted on the property. If permitted, *Fences and walls shall be subject to Sec. 59-38(11) overheight fences and walls run 8-5.8 ZA(Rev. 3/88)
the location of these storage areas will be shown on the District Plan. Solid fences or walls will [ ], will not [ ], be installed around such areas. The maximum height of such walls and fences shall be ________ feet and the minimum height shall be ________ feet.

n. Dedications and Improvements. The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. If this proposal involves the dedication of certain public right-of-ways for incorporation into the project area, such dedication must be approved prior to or at the public hearing on this proposal.

o. External effects: (vibration, heat, glare, radiation, and fumes) These effects will be regulated by Sec. 59-133 (zone). Reflective glass will [ ], will not [ ] be used.

p. The natural terrain of the site will [ ], will not [ ] be restored.

q. Utilities (public and private) serving the property are located (where?) Sewer from alley and Asbury. Water from Clayton St. and service is provided. U.S. West Communications Service lines exist as well.

For information contact the following:
Denver Water Department 628-6100
Mountain Bell 896-6422
Public Service Company 571-3526
Wastewater Management 295-1451

r. Sign controls. The project will be regulated by the following:
Sec. 59-537, Signs permitted in all districts
Sec. 59-538, Sign area measurement
Sec. 59-547, regulations for the R-1* district. If no specific regulations are referenced here, please indicate the following:
- sign dimensions: 4' x 6'
- number of signs: 1
- maximum sign area: 24 s.f.

Show ground sign locations on the District Plan Map.

s. Outdoor Storage of products, materials or Solid Waste will [X], will not [ ], be permitted on the property. If permitted, such storage is shown on the District Plan. Screening will [ ], will not [X], be provided. If so, such screening will consist of a solid wall or fence ________ feet high.

t. Current traffic volumes on streets in the project area should be shown on the "Existing Conditions Map". These volumes are
*Except for the existing ground sign. If the other uses as permitted develop within the existing facilities on site, the existing ground sign must be removed and Sec. 59-547 shall apply to all signs.)
available for major streets from the Traffic Engineering Division, or the Planning Office or may be estimated by the applicant based on a professional study. Streets for which no estimate is available should be noted.

Site generated traffic should be estimated and noted by applicant based on proposed project type, size, and other relevant factors. Ratios for estimating traffic are available from the Traffic Engineering Division (575-5283).

For projects with total daily site generated traffic of more than 200 vehicle trips, or for projects in areas with special problems, more detailed analysis may be required and the applicant should contact the Traffic Engineering Division at 575-3958 for further guidance.

Public Transportation. The nearest bus stop is located about 1500 feet from the property on Evans and University Blvd.

u. Future school sites will [ ], or will not [x] be dedicated as a part of this project.

v. Home Occupations: If residential dwelling units are contained within the project, home occupations will [x], will not [ ], be permitted. If so permitted, they will be regulated by Sec. 59-177(4) (R-3 zone).

w. Temporary Uses: Uses by temporary permit will be regulated by Sec. 59-177(2) (R-3 zone).

x. Accessory Uses: Will be permitted and regulated by Sec. 59-177(3) (R-3 zone).

Y. Interim Uses: Prior to the development of this project, the property will be used on an interim basis for rooming and boarding and one single unit dwelling in the home on the property. The uses currently exist with parking on site. The use will continue until zoning approval. If unsuccessful, the uses will continue as a non-conforming use in an R-1, if the Board of Adjustment permits it. (describe in detail the following: size, height and location of all interim buildings, provision for parking, term of interim use, etc.)

z. Phasing: Is the project expected to be developed in phases? [ ] yes. [x] no. If yes, specify the phasing and the improvements to be constructed in each phase.

Anticipated starting date __________. Anticipated completion date __________.
3. On an attached page a written statement is given generally describing:
   a. The proposed P.U.D. and the market which it is intended to serve.
   b. Its relationship to the Comprehensive Plan; where the applicant's objectives are not in substantial conformance with the changing conditions that justify approval of the proposed P.U.D. District. (For help on this please contact Denver Planning Office).
   c. How the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.

4. The "Existing Conditions Map" is attached following the written statement described above.

5. The "District Plan" is attached following the "Existing Conditions Map". This plan includes the following listed and attached drawings or renderings which show the architectural concepts, building elevations, facade treatment, exterior building materials, and/or other elements.

6. ACKNOWLEDGEMENT: The applicant understands that vested property rights shall be created ninety (90) days after the approval of this district plan by the Denver City Council.

   [Signature]
   Applicant
3a. The proposed PUD is intended as a multi-unit efficiency apartment dwelling and one single unit dwelling. The intent is to continue to serve the market that has served over the past years, which is primarily students. The requested PUD address the change in market conditions whereas room-living is preferred. All items outlined in the District Plan are existing and this proposal is aimed at providing a compatible living environment while being in conformance with the Denver City Code. Parking, landscaping, signage, utilities are all existing and adequately serve the property.

b. The following policies show that this PUD is in conformance with the City of Denver comprehensive plans.

Sec. NH-P-12 and HO-P-8.

This PUD requests the rezoning of the property from a non-conforming use in the R-1 District. The City's policies encourage this. This PUD also makes available a dwelling unit that has become necessary due to the change in demographic and market conditions.

c. The neighborhood in which this property is located varies, quite a bit in uses due to its proximity to the University of Denver. Existing uses include single family residences, fraternity and sorority houses, multiple unit dwellings, duplexes, and businesses. A portion of the residences are rental units for students. The efficiency apartments provide dwelling type that is appealing and affordable to students. This property, having been in existence since the 1940's, has blended and helped to create the character of the neighborhood and therefore will not have an adverse effect or change the existing character. The proposed change in zoning to multi-unit efficiency apartment dwellings and the single unit dwelling create a more compatible environment with the neighborhood by reducing the number of transient residents and providing a more complete living environment.