



**TO:** Land Use, Transportation, & Infrastructure Committee  
**FROM:** Andrew Webb, Senior City Planner  
**DATE:** July 11, 2017  
**RE:** Official Zoning Map Amendment Application #2017I-00001

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00001.

## Request for Rezoning

Address:	3955, 3965 & 3995 North High Street
Neighborhood/Council District:	Cole/Council District 9
RNOs:	Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation (INC), Five Points Business District, United Community Action Network Inc., North Neighborhoods Democratic Council, Cole Neighborhood Association, Elyria Swansea Neighborhood Association, Cross Community Coalition, Elyria Swansea/Globeville Business Association, Comunidades Unidades Globeville Elyria & Swansea. The Points Historical Redevelopment Corp., Cole Neighborhood Association
Area of Property:	.79 acres (34,375 square feet)
Current Zoning:	I-B UO-2
Proposed Zoning:	I-MX-3 UO-2
Property Owner(s):	3939 Williams Building Corp.
Owner Representative:	Bruce O'Donnell, Starboard Realty

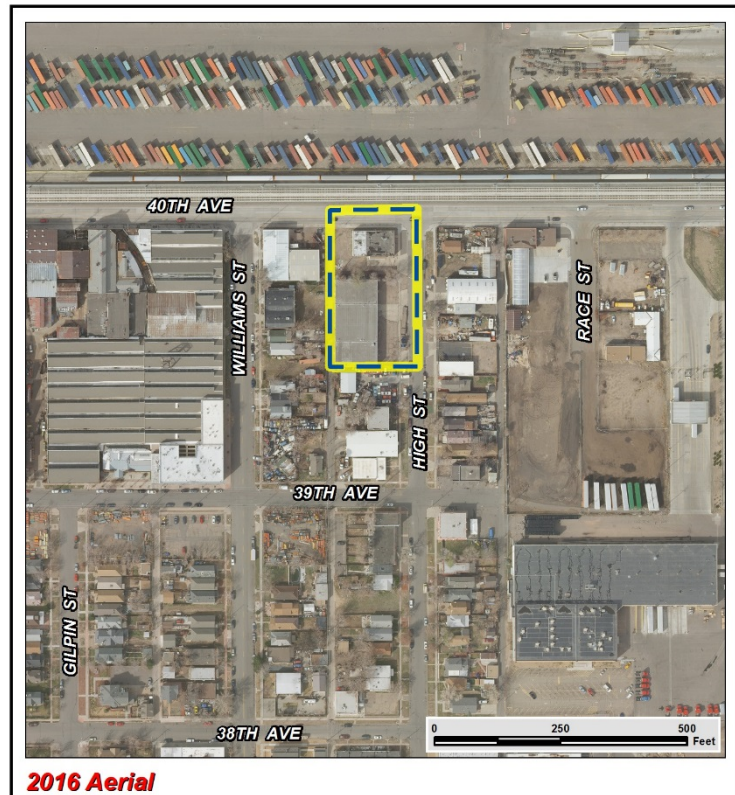
## Summary of Rezoning Request

- The subject property is located in the Cole statistical neighborhood, near the intersection of North High Street and East 40<sup>th</sup> Avenue. It is comprised of two assessor's parcels and occupied by two industrial structures, one single-story and one two-story.
- The existing zoning is I-B UO-2. The UO-2 overlay zone permits billboard signs, but there are no billboards currently located on the property.
- The property owner is requesting the zone change to I-MX-3 UO-2 to allow construction of a parking garage on the site that would serve a large mixed-use redevelopment project in a former industrial complex one block to the west of the subject site. While the existing zoning does permit surface and structured parking uses, development of the lots would be limited by the I-B zone's deep setback requirements.



## Existing Context

The site is located at the southwest corner of East 40<sup>th</sup> Avenue and North High Street in an area characterized by a mix of residential and heavy and light industrial uses. It is a few blocks east of the 38<sup>th</sup> & Blake Commuter Rail station and rapidly redeveloping River North Arts District. To the north of the site is a Union Pacific railroad yard and multi-modal shipping facility. Directly to the west, south and east are a fine-grained mix of industrial, commercial, and single- and multi-unit residential uses on small parcels. Setbacks vary, with some structures situated behind parking areas and others built right at the sidewalk. Many parcels in the area, including some with residential structures, appear to be in use for auto dismantling and scrap material storage. Heavier industrial uses are located further to the

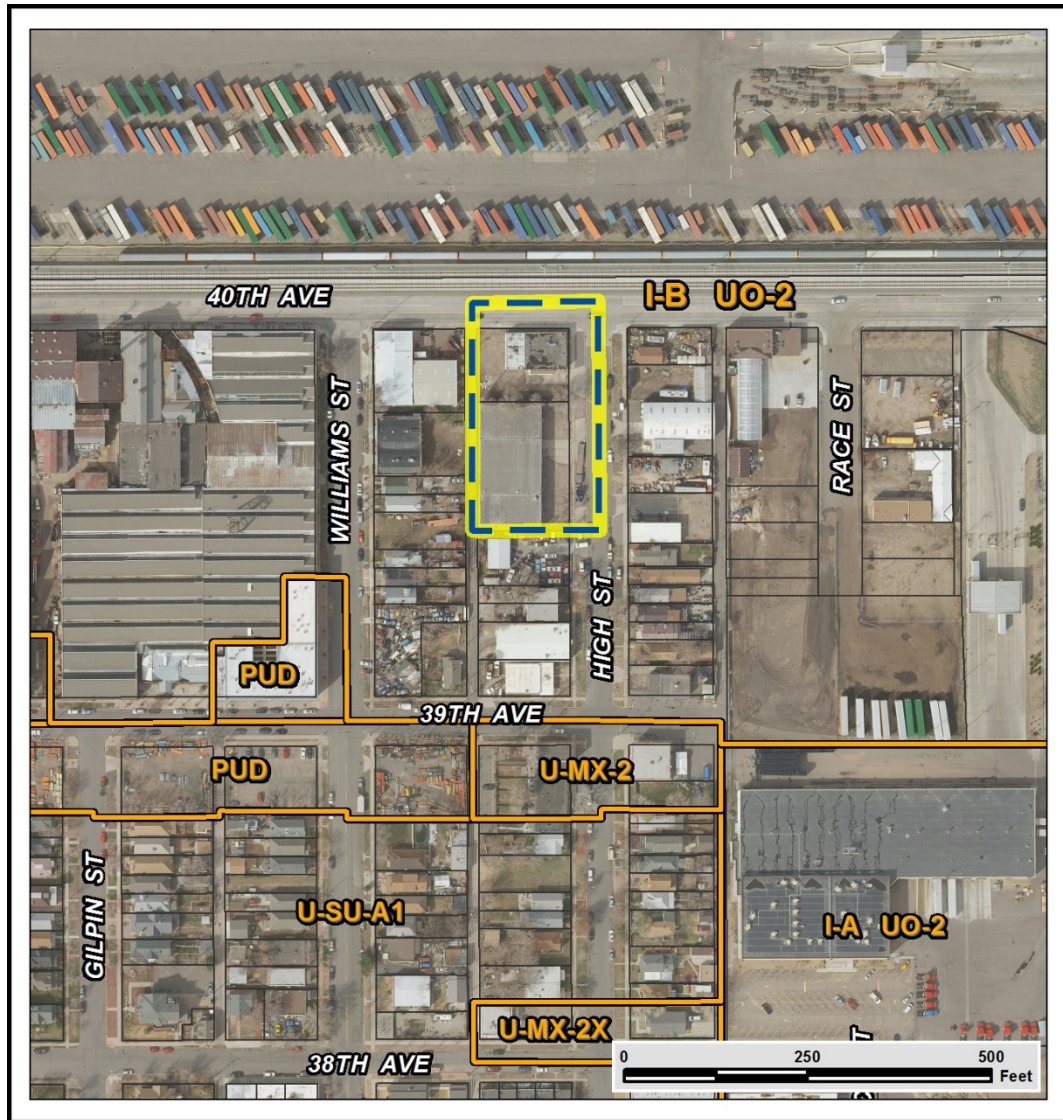


east, and a former major industrial site one block to the west is undergoing an adaptive redevelopment that is related to this rezoning request. Other major land uses in the area include a Coca Cola bottling plant three blocks to the east and the historic Wyatt Academy, an individually designated Denver Landmark structure built in 1887 and located two blocks to the south of the subject site. Transit access includes bus routes on East 40<sup>th</sup> Avenue serving a station directly adjacent to the site, and nearby north-south service on York Street. The RTD A-line serves the 38<sup>th</sup> & Blake station, which is about half a mile to the west of the site.

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

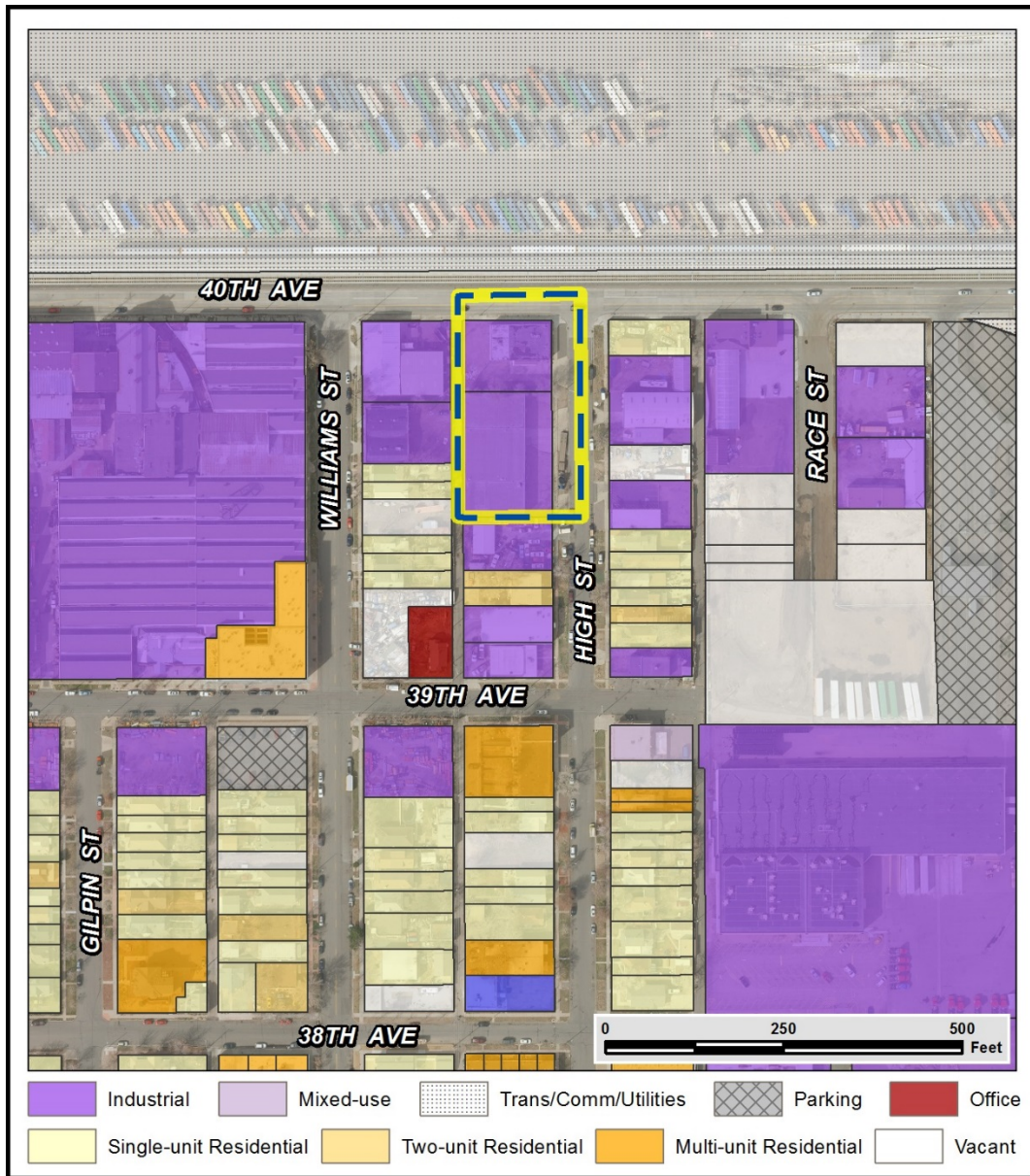
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-B UO-2	Light industrial	One single-story industrial structure, one two-story industrial structure.	Consists of a regular pattern of rectangular and square block shapes in an orthogonal grid. Residential blocks are served by alleys. To the north of the subject site, the street grid ends at the railroad yard. To the west, it meets the diagonal downtown grid.
North	I-B UO-2	Union Pacific rail yard and shipping container facility	Shipping container transfer machinery and structures	
South	I-B UO-2	Fine-grained mix of small industrial and commercial uses (e.g. vehicle repair) and single- and multi-unit residential	Small detached homes, 5,000-15,000 square foot industrial and/or commercial buildings	
East	I-B UO-2	Mix of small-scale industrial uses, single and multi-unit residential	Small detached homes, 5,000-15,000 square foot industrial and/or commercial buildings	
West	I-B UO-2, PUD 510	Small scale industrial uses immediately across the alley to west, with unused larger industrial complex and multi-unit residential further west	Small detached homes, 5,000-15,000 square foot industrial and/or commercial buildings. West of Williams Street (about half a block from subject site) is a large industrial complex built in 1928. A portion of that complex (PUD 510) has been redeveloped as condominiums, while the rest consists of two- to three-story brick industrial structures, most of which are not currently in use.	





## 1. Existing Zoning

The subject site is currently zoned I-B UO-2. The I-B zone district is an industrial district intended for intensive industrial uses. This zone's 20-foot primary street setback requirement limits development in this area, where existing parcels are approximately 124 feet deep. The UO-2 Billboard Use Overlay District allows "outdoor general advertising signs," or billboards, pursuant to the use limitations of Denver Zoning Code Sec. 10.10.20, Outdoor General Advertising Devices in the Billboard Use Overlay District.



## 2. Existing Land Use Map

As shown above, existing land uses in the area are a mix of industrial and single- and multi-unit residential. Several vacant parcels are in use for materials, semi-trailer or scrap auto storage.



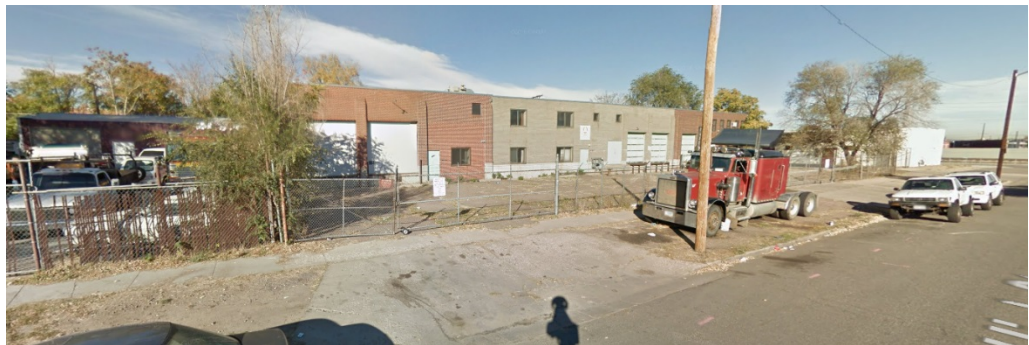
### 3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the following images. (Source: Google Maps)



45-degree aerial of site, looking northwest. Industrial site in the upper-middle of the image is the redevelopment project related to this rezoning request.

Subject site,  
looking  
southeast



Subject site,  
looking  
northwest

Properties  
across High  
Street from  
subject site,  
looking  
southeast



Properties  
across High  
Street from  
the subject  
site, looking  
northeast



Rear of  
subject site  
viewed from  
intersection  
of alley and E  
40<sup>th</sup> Avenue,  
looking east



Property to  
rear of  
subject site,  
viewed from  
intersection  
of alley and E  
40<sup>th</sup> Ave,  
looking west





## 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:

**Asset Management:** Approved – No Comments

**Public Works – City Surveyor:** Approved Rezoning Only – Will require additional information at Site Plan Review. Legal description accurately describe zone lots with the addresses 3955, 3965 and 3995 N High Street.

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	<b>4/9/17</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 and registered neighborhood organizations:	<b>6/5/17</b>
Planning Board Public Meeting	<b>6/21/17</b>
LUTI Committee Meeting	<b>7/11/2017</b>

- **Registered Neighborhood Organizations (RNOs)**
  - The RNOs identified on page 1 of this report were notified of this application.
  - The Cole Neighborhood Association (CNA) indicated in a May 17 e-mail that they had voted to support this rezoning request.
- **Other Public Comment**
  - As of the date of this staff report, no further public comment had been received.

## 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 plans apply to this property:

Denver Comprehensive Plan 2000 (2000)

Blueprint Denver (2002)

River North Plan (2003)

38<sup>th</sup> & Blake Station Area Plan and subsequent Height Amendments (2009, 2016)

Elyria and Swansea Neighborhoods Plan (abutting, 2015)

**Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan objectives, strategies and recommendations, including:

- Land Use Strategy 3-B: *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p 60)*
- Mobility Strategy 4-E: *Continue to promote mixed-use development, which enables people to live near work, retail and services. (p 78)*
- Legacies Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated. (p 99)*
- Vision of Success – Congruency of land use and zoning: *Ongoing clarification of the Zoning Ordinance in a process linked to a citywide land-use plan will eventually result in a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas. (p 54)*
- Vision of Success – Compact Development: *Development and redevelopment of urban centers present opportunities to concentrate population and land uses within a limited geographic space [and] will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (p 55)*

The proposed I-MX-3 zone district will increase the feasibility of development on this smaller industrial site, in keeping with the existing fine-grained mix of residential and industrial uses in the immediate area. It will help create further opportunities for mixed-use development in an area that has already seen some redevelopment of former industrial structures into residential uses, and will help support redevelopment of a nearby industrial complex of prewar structures.



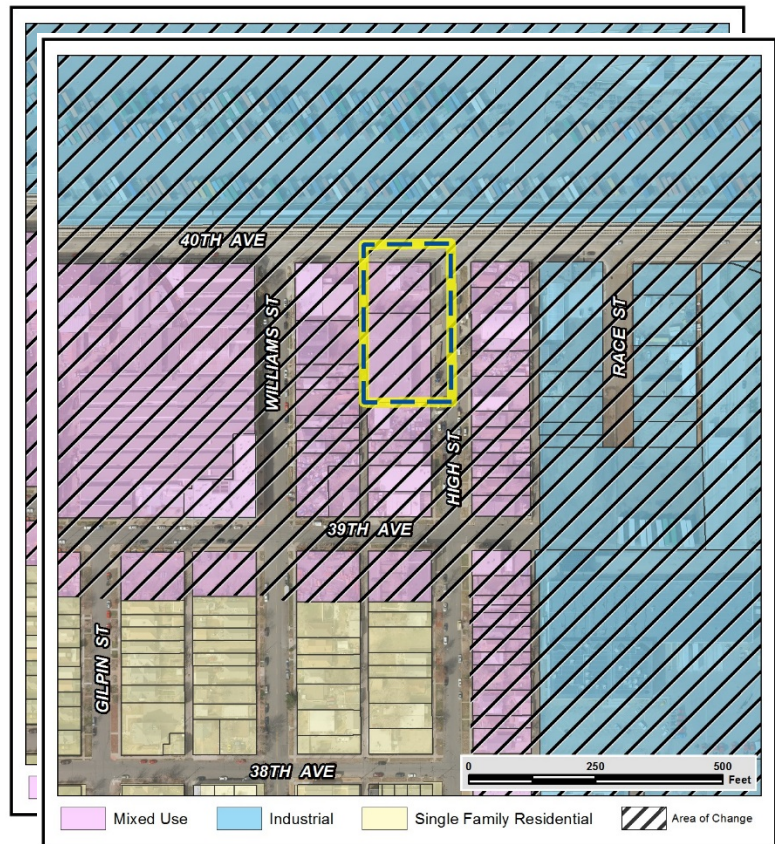
### **Blueprint Denver**

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Mixed Use and is located in an Area of Change.

### **Future Land Use**

According to Blueprint Denver, future development in areas with the concept land use of “Mixed-Use” will be characterized by higher intensity development with “residential and non-residential uses within walking distance of one another” and a mix of employment and housing uses. (p 41)

This proposed rezoning to I-MX-3 is consistent with Blueprint Denver’s concept land-use for this area, as it allows for a mix of industrial, commercial, civic and residential uses to develop in a pedestrian-oriented pattern, with buildings up to the street and an active street level. It will also support redevelopment that provides a buffer between very intense industrial and transportation uses to the north of the subject site and the single-unit residential neighborhoods that begin a block to the south.

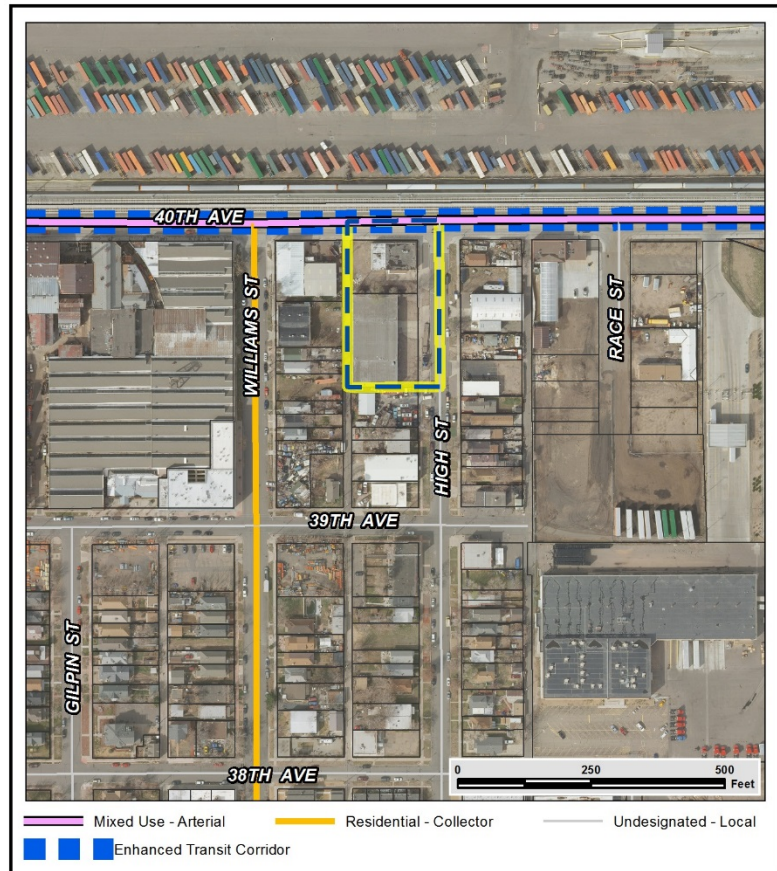


### **Area of Change / Area of Stability**

As noted above, Blueprint Denver designates the subject site and immediately surrounding area as an “Area of Change.” The site is within what is designated generally by Blueprint as the North Industrial Area, parts of which Blueprint asserts should be converted to mixed use to buffer adjoining residential areas and encourage the redevelopment of vacant land in use for junkyards and storage (p 136). The overarching goal of Blueprint Denver is to direct growth toward Areas of Change, “where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (pg. 127). This proposed rezoning is consistent with the Areas of Change intent, as it will allow for industrial-focused mixed-use in an appropriate location with an existing mix of industrial and residential uses and several transit options.

### **Street Classifications**

The site is at the southwest corner of 40<sup>th</sup> Avenue and High Street and access is currently provided from both streets. 40<sup>th</sup> Avenue is designated by Blueprint as a Mixed-Use Arterial and Enhanced Transit Corridor, while High Street is an undesignated Local Street. According to Blueprint, arterial streets are designed to provide a high degree of mobility and generally serve longer vehicle trips with higher traffic volumes (p 54). The addition of the “mixed-use” qualifier identifies streets that serve high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity, and which emphasize a variety of travel modes, including cycling and transit (p 57). The design features of local streets are typically tailored to providing local access, and mobility is typically incidental, involving relatively short trips at lower speeds to and from other streets. The two streets serving this (and the alley that it abuts) are appropriate to serve mixed-use development in this area. Access from the subject site to the related redevelopment project a block to the west is provided by 40<sup>th</sup> Avenue and by 39<sup>th</sup> Avenue, which is also an undesignated local street.

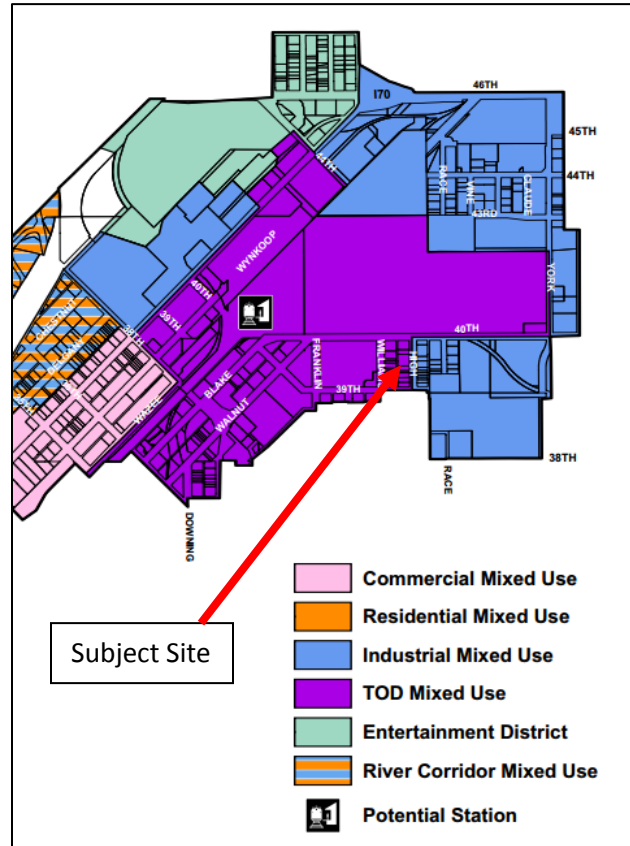


providing local access, and mobility is typically incidental, involving relatively short trips at lower speeds to and from other streets. The two streets serving this (and the alley that it abuts) are appropriate to serve mixed-use development in this area. Access from the subject site to the related redevelopment project a block to the west is provided by 40<sup>th</sup> Avenue and by 39<sup>th</sup> Avenue, which is also an undesignated local street.



### Small Area Plan: River North Plan

The River North Plan was adopted in June 2003 to establish policies for the area northwest of downtown Denver between Park Avenue West and the interchange of Interstate 70 and Brighton Boulevard. At the time, the industrial area was beginning to experience an influx of arts- and entertainment-related commercial activity and high-density residential infill. The River North Plan made recommendations for regulatory and infrastructure improvements to accommodate this growth, such as reconfiguration of Brighton Boulevard to better serve pedestrians, cyclists and transit; recommendations for mixed-use zone districts to guide redevelopment; and enhancing the South Platte River corridor. The plan identified several parcels comprising the subject site and surrounding areas as “underutilized” (p 34), and set forth a redevelopment vision for the area characterized as “Transit-Oriented Mixed-Use,” near what would later become a RTD commuter rail station (38<sup>th</sup> & Blake). The proposed I-MX-3 zoning would allow mixed use development at this location and is consistent with the River North Plan’s development vision for the area. It also advances several plan goals, such as “build upon the unique land uses that exist and identify redevelopment sites and opportunities that foster the creation of a compatible mix of uses” (p 59).



Detail of River North Plan Land Use Concept Map

**Small Area Plan: 38<sup>th</sup> & Blake Station Area Plan**

By 2009, plans for the RTD commuter rail line passing through the River North district had been further refined, and the station location had been moved slightly to the south and west of the location proposed in the River North Plan. The 38<sup>th</sup> & Blake Station Area Plan was adopted to establish updated recommendation for mobility improvements and zoning aimed at encouraging mixed-use transit-oriented redevelopment in the sub-area within ½ mile of the station. Though the subject site was technically just outside the plan’s focus area, the proposed I-MX-3 zoning is consistent with that plan’s vision for mixed use with a residential focus in the area, as it will support the redevelopment of the related industrial site to its west, which is within the 38<sup>th</sup> & Blake Plan’s focus area.



**LEGEND**

<span style="display:inline-block; width:15px; height:15px; background-color: #e67e22; border: 1px solid black;"></span> Mixed Use - TOD Core	<span style="display:inline-block; width:15px; height:15px; background-color: #3498db; border: 1px solid black;"></span> Mixed-Use- Employment	<span style="display:inline-block; width:15px; height:15px; border: 1px dashed pink;"></span>
<span style="display:inline-block; width:15px; height:15px; background-color: #f1c40f; border: 1px solid black;"></span> Mixed Use - Main Street	<span style="display:inline-block; width:15px; height:15px; background-color: #27ae60; border: 1px solid black;"></span> Open Space and Parks	<span style="display:inline-block; width:15px; height:15px; background-color: #e91e63; border: 1px solid black;"></span>
<span style="display:inline-block; width:15px; height:15px; background-color: #9b59b6; border: 1px solid black;"></span> Mixed Use - Residential	<span style="display:inline-block; width:15px; height:15px; background-color: #27ae60; border: 1px solid black;"></span> New Open Space and Parks	<span style="display:inline-block; width:15px; height:15px; background-color: #f1c40f; border: 1px solid black;"></span>
<span style="display:inline-block; width:15px; height:15px; background-color: #f1c40f; border: 1px solid black;"></span> Urban Residential	<span style="display:inline-block; width:15px; height:15px; background-color: #e67e22; border: 1px solid black;"></span> FasTracks East Corridor Line	

**Small Area Plan Addendum: 38<sup>th</sup> & Blake Station Area Plan Height Amendments**

The 38<sup>th</sup> & Blake A Line RTD station opened in April 2016, bringing increased redevelopment interest to the area, with a focus on high-density residential uses. A set of new recommendations for building heights was adopted in September 2016 to clarify and support existing building form and scale policies for the area. It also proposed a framework for encouraging community-desired mixed-income housing, based on a system of incentivizing affordable housing production with bonus building heights. The 38<sup>th</sup> & Blake Station Area Plan Height Amendments recommended that the subject site area have a maximum “base height” of 3 stories, with allowances for up to 8 stories



Detail of 38<sup>th</sup> & Blake Base Height Recommendations





#### **4. Justifying Circumstance**

This application for rezoning proposes that the change is justified because the land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area (DZC, Sec. 12.4.10.8.A.4). Once characterized by primarily medium-intensity industrial uses, the River North District and its surroundings have seen considerable mixed-use infill development and adaptive reuse in the last decade. This activity has intensified with the recent opening of the RTD A Line station at 38<sup>th</sup> & Blake. Staff agrees that rezoning the property from its current I-B Zone District is appropriate as this area transitions into a vibrant, mixed-use community envisioned by multiple plans affecting the subject site.

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

##### Neighborhood Context Description

The Industrial Context consists of areas of industrial uses typically characterized by irregular patterns of larger blocks. The requested I-MX-3 zone is within the Industrial Mixed-Use District of the Industrial Neighborhood Context, intended for a more urban context with a rectangular street grid and alley access. The proposed rezoning is consistent with the neighborhood context and description.

##### Zone District Purpose and Intent

The Industrial Mixed-Use zone districts are “intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level” (p 9.1-2) and serve as a transition between heavier industrial development in the I-B District and mixed-use areas. The requested rezoning is consistent with the intent of the Mixed-Use Districts because the site and its immediate context are characterized by a more pedestrian-friendly street pattern and an existing fine-grained mix of industrial, residential and commercial uses.

##### Planning Board

During a hearing held on Wednesday, June 21, the Planning Board voted 7 to 2 (one opposed, one abstained) to recommend approval of this proposed rezoning.

##### Land Use, Transportation and Infrastructure Committee

During a hearing held Tuesday, July 11, the LUTI Committee voted unanimously to recommend approval of this proposed rezoning.

##### Attachments

1. Application
2. E-mail from Cole Neighborhood Association