



TO: Denver City Council
FROM: Tony Lechuga, Senior City Planner
DATE: May 9, 2024
RE: Official Zoning Map Amendment Application #2023I-00224

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023I-00224.

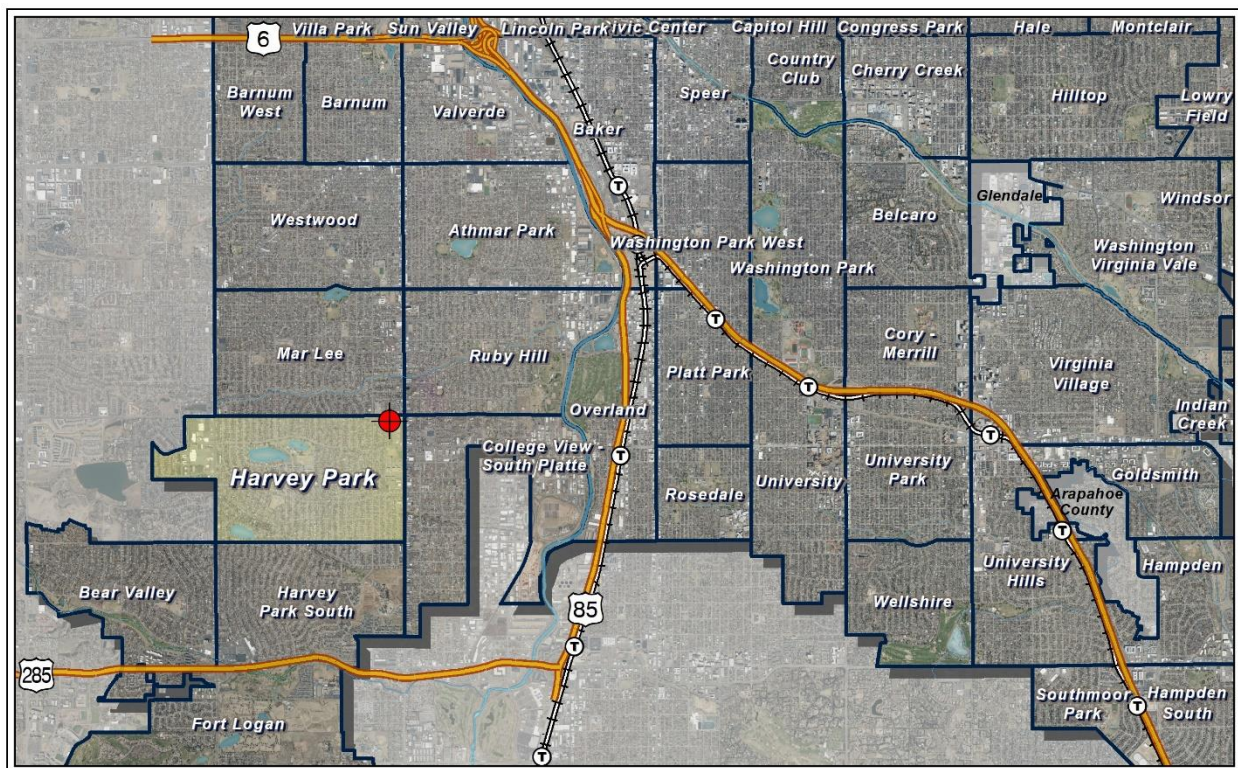
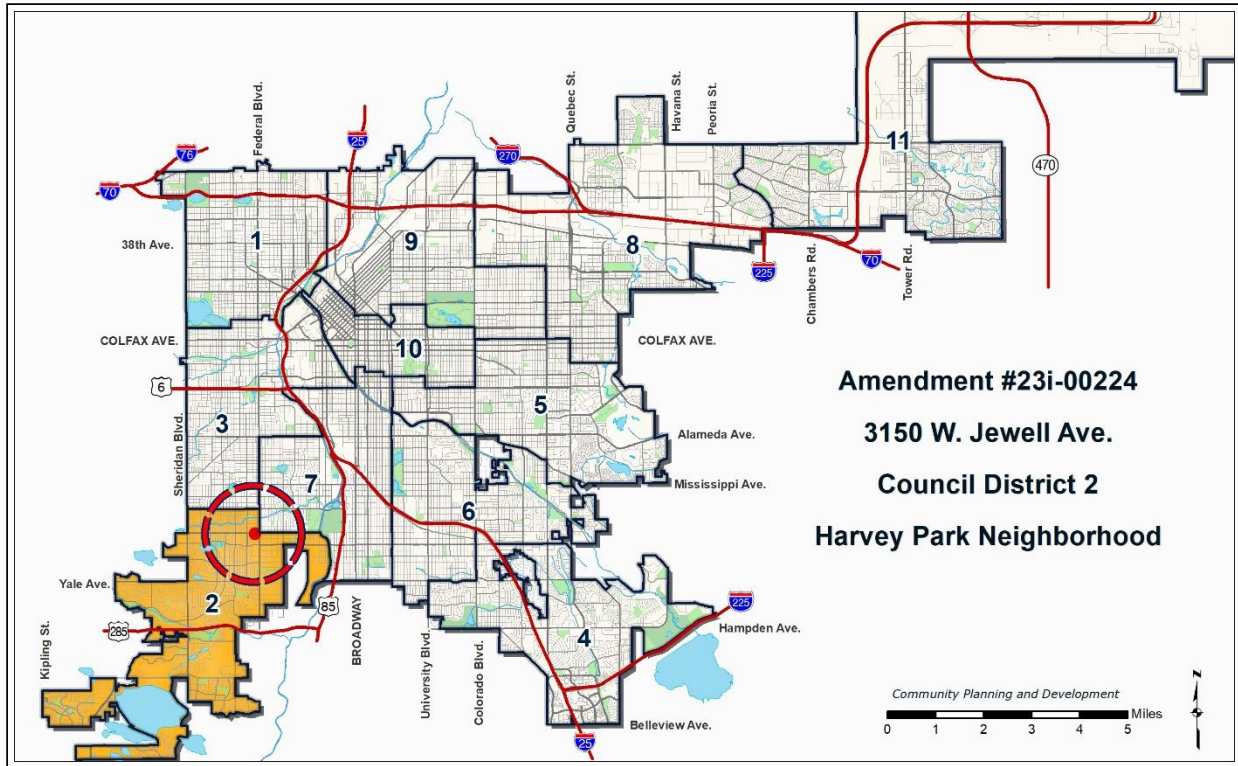
Request for Rezoning

Address: 3150 West Jewell Avenue
Neighborhood/Council District and CM: Harvey Park / Council District 2, CM Flynn
RNOs: South Mar Lee/Brentwood/Sharon Park Neighbors, Southwest Vida, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Property: 16,469 square feet
Current Zoning: PUD 475
Proposed Zoning: S-CC-3x
Property Owner(s): 1951 South Federal Boulevard, LLC

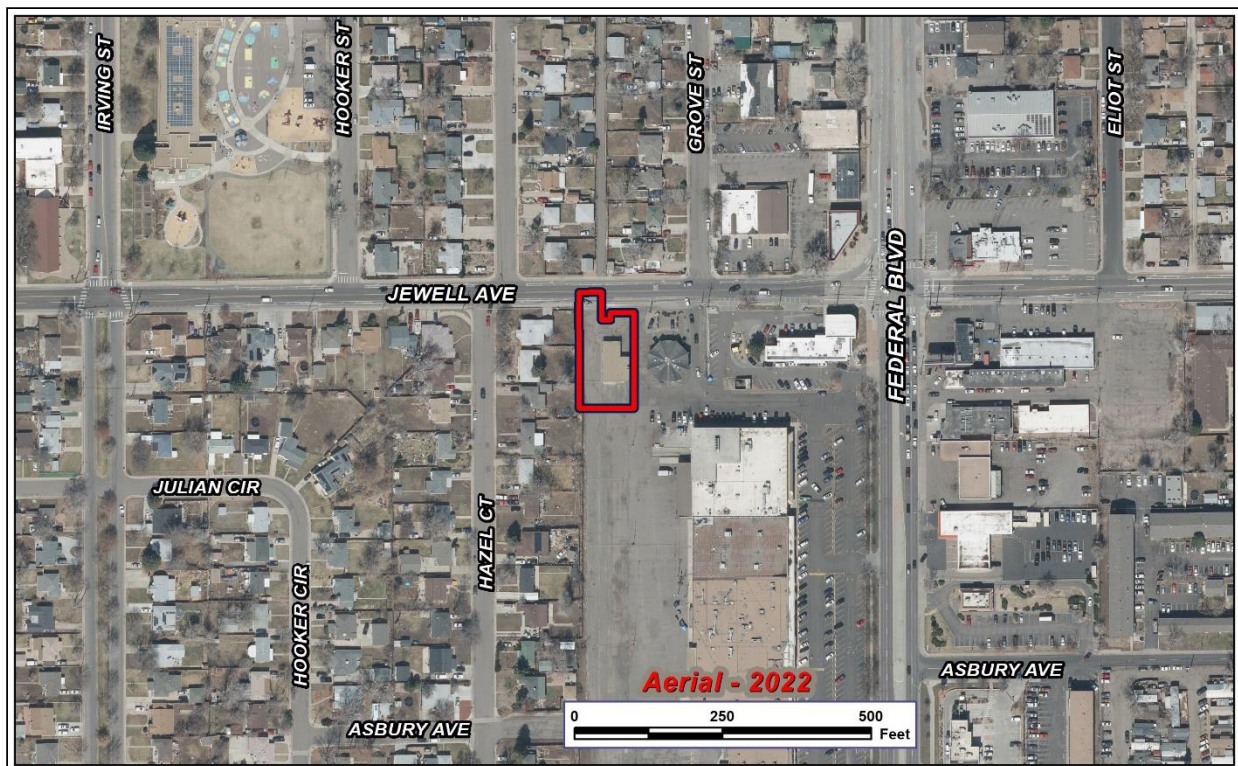
Summary of Rezoning Request

- The subject property is in the Harvey Park neighborhood in Council District 2, along the southern edge of West Jewell Avenue about one block west of Federal Boulevard.
- The properties consist of a one-story commercial/retail drive thru building built in 1960 with surface parking at the rear and between the existing building and the street.
- The applicant is requesting the rezoning to align the zoning with the rest of the site, the Brentwood Shopping Center. The entire Brentwood Shopping Center recently went through Large Development Review.
- Aside from this parcel, the rest of the Brentwood Shopping Center is zoned S-CC-3x. Aligning this parcel with the larger shopping center will allow for seamless development of the western portion of the property as negotiated in the Large Development Framework. The larger projected development includes new open space and housing units. It also anticipates future redevelopment of the shopping center with improved design principles.
- The proposed S-CC-3x (**S**uburban, **C**ommercial **C**orridor, **3**-story) is a mixed-use commercial zone district that allows a diversity of uses in buildings up to 3 stories. The standards of the 3x district limit uses to less intense uses than would normally be allowed. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

Existing Context



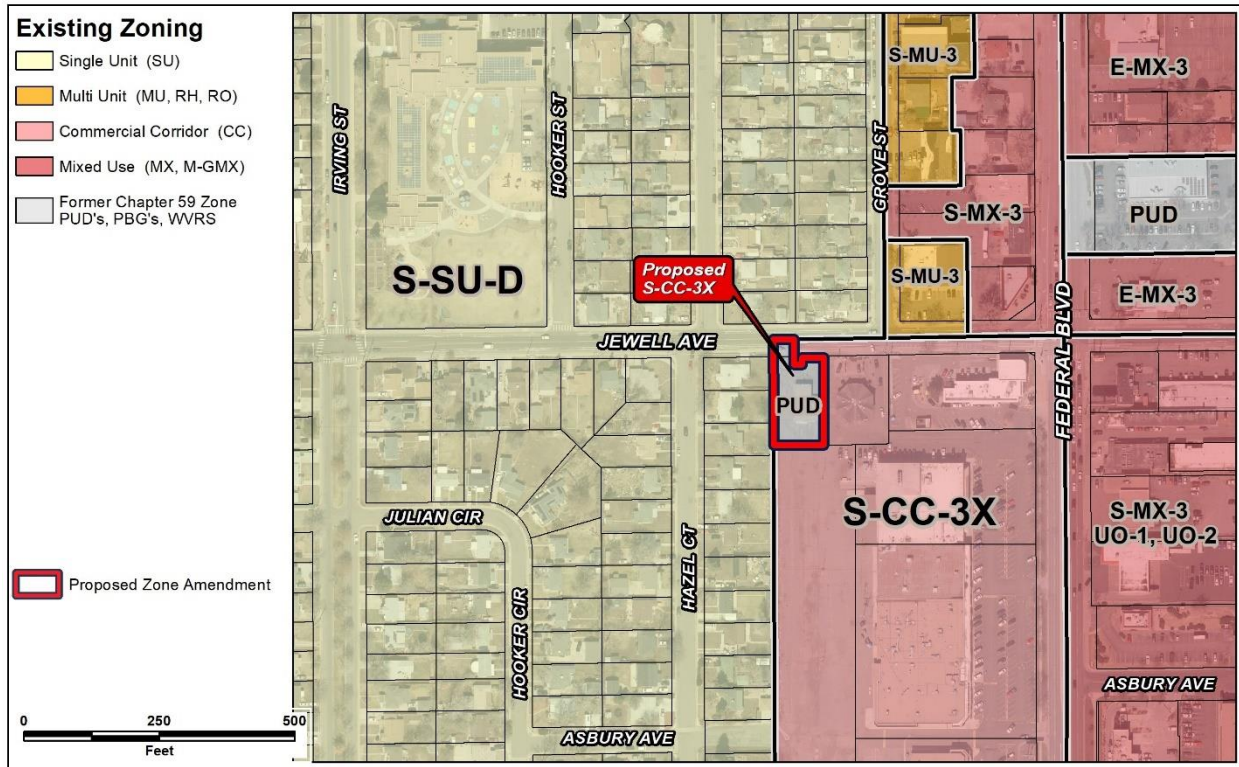
The subject property is a 16,469 square foot site fronting on West Jewell Avenue almost one block west of Federal Boulevard. The subject property is part of the larger 13.4-acre Brentwood Shopping Center that is proposed for development and going through Large Development Review (LDR). The larger LDR boundary includes the commercial area fronting on Federal Boulevard and plans for residential development along the western half of the site which abuts a low-scale residential neighborhood. One block south of the subject property is Abraham Lincoln High School. One block to the west of the subject property is Johnson Elementary School. Harvey Park and the Harvey Park Recreation Center are about 1 mile to the west along Evans Avenue. At the intersection of Jewell Avenue and Federal Boulevard are stops for the RTD 30, 31, 30L, and 36L bus routes all of which run north-south along Federal Boulevard. Both the 30L and 36L buses run with limited stops to provide more rapid transit. Federal Boulevard is currently being planned for future Bus Rapid Transit.



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	PUD 475	Commercial/Retail	1 story drive-thru building and surface parking.	There is an irregular grid of streets with some blocks occupying what would normally be several city blocks without through access. There is an irregular presence of alleys varying from block to block. While the subdivisions in the area have more regularity to their development patterns, blocks, and lots, the properties immediately fronting on Federal Boulevard are more often large blocks and deep lots.
North	S-SU-D	Single-Unit Residential	To the immediate north of the property is an alley separating Hazel Court and Grove Street. Properties on either side of the alley are 1 story single-unit residential fronting the north-south streets.	
East	S-CC-3x	Commercial/Retail	1 story gas station.	
South	S-CC-3x	Commercial/Retail	Surface parking behind the existing Brentwood Shopping Center.	
West	S-SU-D	Single-Unit Residential	1 story residential with parking accessed from the street.	

1. Existing Zoning



The existing PUD 475 zoning is based on the Former Chapter 59 B-3 zone district. The B-3 zone district is a shopping center district that provides for retail and services that satisfy household and personal need of the residents of surrounding communities. The zone district is typically located on major arterial or collector streets. The PUD allows for an upholstery use as an allowed use as of right. The PUD includes design standards that control for the existing building.

2. View Plane

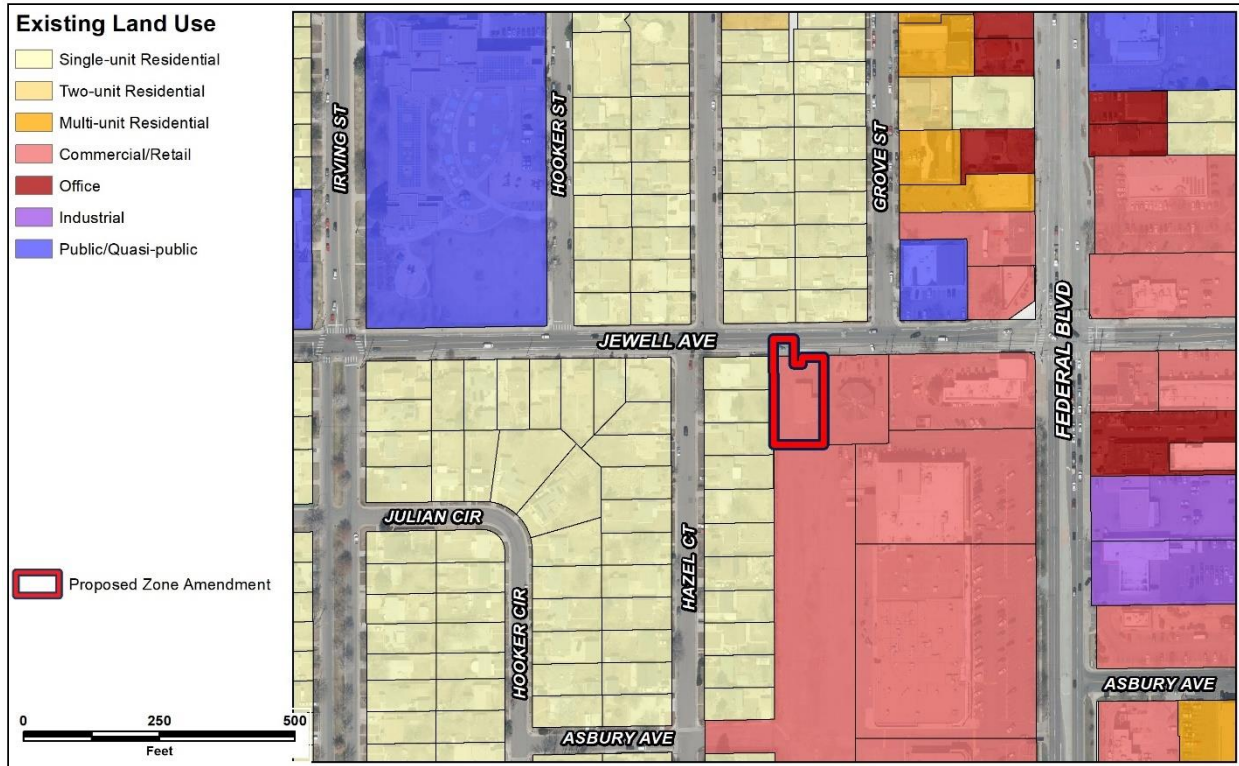
The subject property is within the Ruby Hill Park View Plane where the maximum allowed height is about 84 feet. The requested zoning has a maximum height of between 45 and 55 feet.

3. Large Development Review

The Development Review Committee reviewed this rezoning application to determine if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code. The attached Large Development Framework outlines specific regulatory steps required for implementation of development on this site. As required by the LDR process, the applicant team held a required Community Information Meeting virtually on Thursday, July 27, 2023, from 6 to 7 p.m. via Zoom. The meeting was attended by 15 members of the community, City staff, and representatives of the project team. The project team shared updated plans for the LDR application, answered questions from neighbors, and shared their contact information for future correspondence. A summary of the neighborhood meeting and

questions asked is included in the attached LDF. The parcel proposed for rezoning is part of the larger proposed development area which, as outlined in the LDF, is proposed to include new open space and housing units.

4. Existing Land Use Map



5. Existing Building Form and Scale



View of the subject property from Jewell Avenue, looking south (Source: Google Maps)



View of the property to the east, looking south (Source: Google Maps)



View of the properties to the north, looking north (Source: Google Maps)



View of the properties to the west, looking east (Source: Google Maps)



View of the property to the south, looking north (Source: Google Maps)

Proposed Zoning

The requested S-CC-3x is a commercial corridor district within the suburban context that allows heights up to 3 stories and the “x” signifies less intensive uses to protect nearby residential areas. Commercial Corridor districts address development opportunities next to the city’s most auto-dominated corridors. They are intended to balance the need for safe, active and pedestrian-scaled, diverse areas with the need for convenient automobile access. They are also intended to ensure new development contributes positively to established residential neighborhoods and character and improve the transition between commercial development and adjacent residential neighborhoods.

While Mixed Use and Main Street districts align closer to plan guidance than the proposed Commercial Corridor district, the S-CC-3x district will align with the existing zoning on the rest of the Brentwood Shopping Center. A Mixed Use or Main Street district would have different building form standards than the Commercial Corridor district which would create a disconnect in allowed building forms on a site where the Large Development Framework is seeking to create a unified development pattern for the entire site. 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.

Design Standards	PUD 475	S-CC-3x (Proposed)
Primary Building Forms Allowed	N/A	Drive Thru Services*; Drive Thru Restaurant*; General
Height in Stories/Feet (max)	N/A / 15’	3/45’
Height in Stories/Feet with incentives (max)	N/A	4/55’
Primary Street Build-To Percentages (min)	N/A	50% or N/A**
Primary Street Build-To Ranges	N/A	0’ to 15’ or N/A**
Primary Street Setbacks (min)	55.3’	0’
Floor Area Ratio	0.12:1	N/A

*Building form not allowed within ¼ mile of a transit station platform (the subject site is not within ¼ mile of a transit station platform, and, therefore, the drive thru forms would be allowed)

**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:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No Comments

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

Development Services – Project Coordination: Approved – Protected district to the west with possible wider setback and use restrictions.

Development Services - Fire Protection: Approved – No Comment

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	01/09/24
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:	03/05/24
Planning Board public voted 10-0 to recommend approval	03/20/24
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:	03/19/24
Land Use, Transportation and Infrastructure Committee of the City Council:	04/02/24
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:	04/22/24
City Council Public Hearing:	05/13/24

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - At the time of this staff report, no official RNO comments have been received.
 - **General Public Comments**
 - At the time of this staff report, we have received one public comment related to concerns with the scale of the larger development project on the Brentwood Shopping Center site. We have also received one letter from the President of the South Mar Lee, Brentwood, and Sharon Park Neighbors stating that he shared this application with the RNO and didn't receive a response back. He also noted that the RNO is supportive of the rezoning.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)

Denver Comprehensive Plan 2040

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

The proposed rezoning is consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).

The proposed map amendment is consistent with 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-CC-3x 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. The rezoning is, therefore, consistent with the above goal in the Equitable, Affordable, and Inclusive vision element.

The proposed rezoning is consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Goal 1, Strategy A – Build a network of well-connected, vibrant mixed-use centers and corridors (p. 34).
- Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased development (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.

The proposed rezoning is consistent with the following strategies from 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 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-CC-3x zone district allows a variety of uses that support residents living, working, and playing in the area; therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

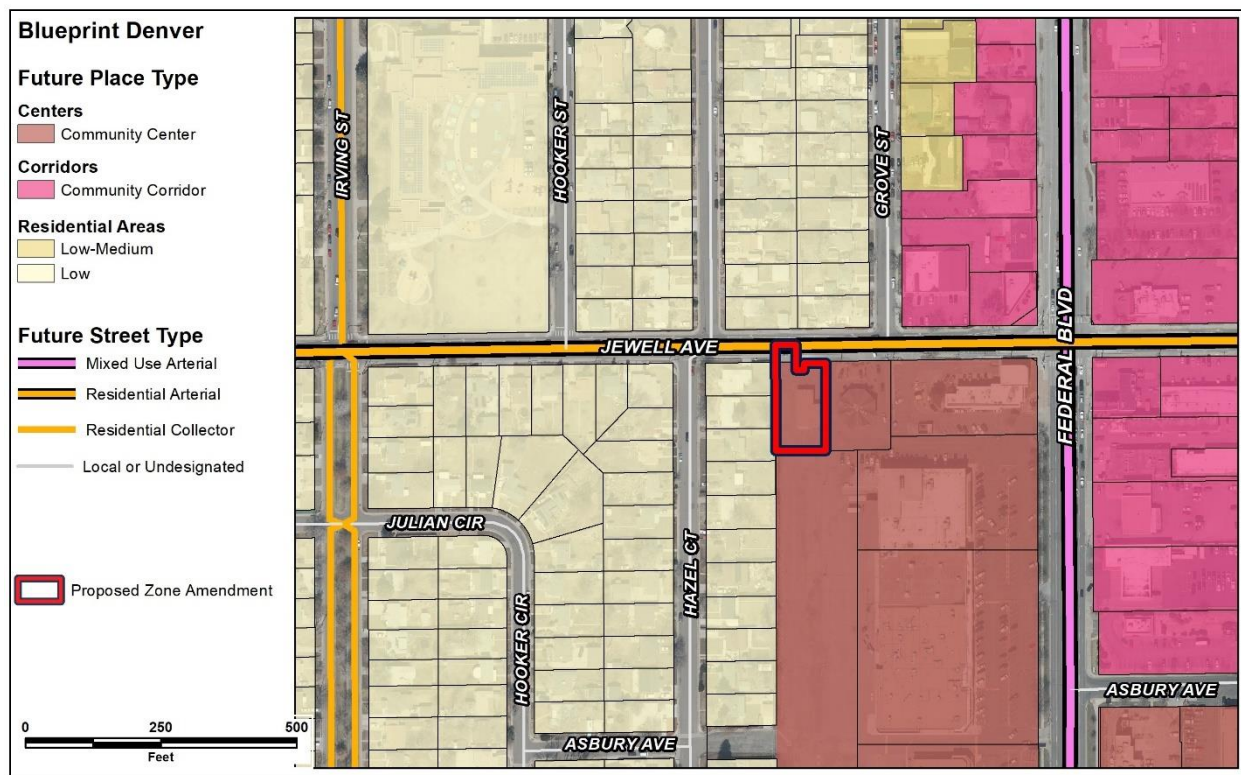
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Suburban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Suburban neighborhood context is described as “largely single-unit, but can also include higher intensity residential” and “commercial development is focused along main corridors and centers bordering residential areas” (p. 189). 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.

Blueprint Denver Future Places



The Future Places Map shows the subject property as part of a Community Center place type. *Blueprint Denver* describes the aspirational characteristics of Community Center place types in the Suburban context as providing “a high mix of uses to create a dynamic environment of living, dining, entertainment, and shopping, while incorporating a diverse set of employment options” (p. 194). Community Center is further described as having a, “high degree of urban elements with continuous human-scale building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas” (p. 194).

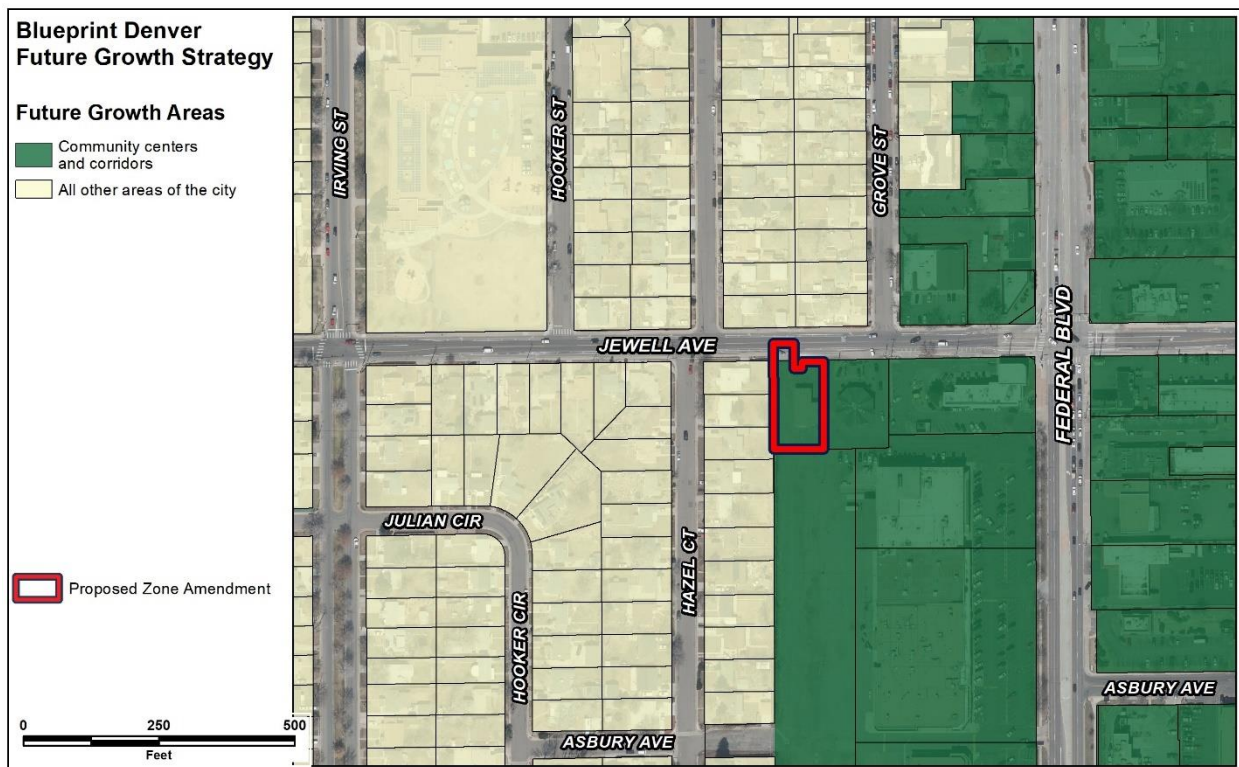
The proposed zone district is a commercial corridor district that allows a mix of civic, residential, and commercial uses in buildings up to three stories. The S-CC-3x zone district standards do not promote

as much of a pedestrian-friendly design as other districts but aligning the zoning with this comparably small parcel with that of the large shopping center will promote better, more cohesive design outcomes across the site and makes the proposed district appropriate.

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). This portion of Federal Boulevard is classified as a Mixed Use Arterial and Jewell Avenue is classified as a Residential Arterial. Arterial streets are, “designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Mixed Use Arterials such as Federal include, “varied mix of uses including retail, office, residential and restaurant” (p. 159) and Residential Arterials such as Jewell include, “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes, and other similar uses” (p. 160).

The proposed S-CC-3x zone district “applies primarily to auto-oriented street corridors where a building scale of 1 to 3 stories is desired” (DZC Section 3.2.3.2.B), indicating that this zone district is compatible along streets like Jewell Avenue.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of Community Centers and Corridors. These areas are anticipated to see around 50% of new housing growth and 20% of new employment growth by 2040 (p. 51). “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 E-CC-3x 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 Former Chapter 59 zoning and is proposing to rezone into a standard district in the Denver Zoning code so the following strategy from the Land Use & Built Form: General section, Policy 3 is 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).

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-CC-3x 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 the city’s adopted land use plans and allowing for compatible infill development that aligns with the city’s growth expectations. Additionally, rezoning into a district in the Denver Zoning Code will provide a more predictable outcome with potential for greater density on the site for the community than the Former Chapter 59 Zoning Code.

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.

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

The requested S-CC-3x zone district is within the Suburban Neighborhood Context. The neighborhood context generally consists of single- and multi-unit residential, commercial strips and centers, and office parks (DZC, Division 3.1). The proposed rezoning would allow a mix of residential

and commercial uses at an appropriate location consistent with the neighborhood context description.

The Suburban Commercial Corridor zone districts are intended to “balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access...and ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC, Section 3.2.3.1). The specific intent of the E-CC-3x zone district is to be applied “primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3” (DZC 3.2.3.2). Jewell Avenue is an arterial street consistent with the specific intent.

The proposed map amendment is consistent with the commercial corridor 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-CC-3x zone district is consistent with the Suburban context description, commercial corridor purpose, and specific intent of the S-CC-3x district.

Attachments

1. Application
2. Public Comments
3. Public Engagement Memo
4. Large Development Framework