



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services

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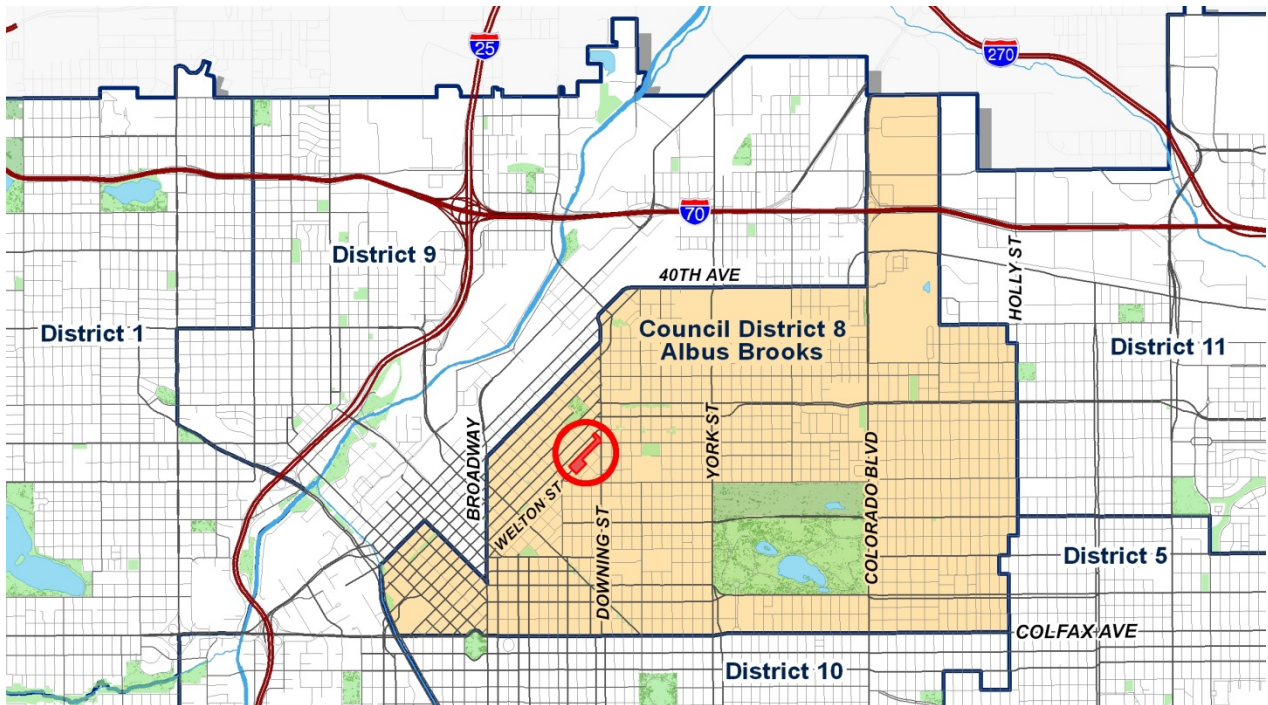
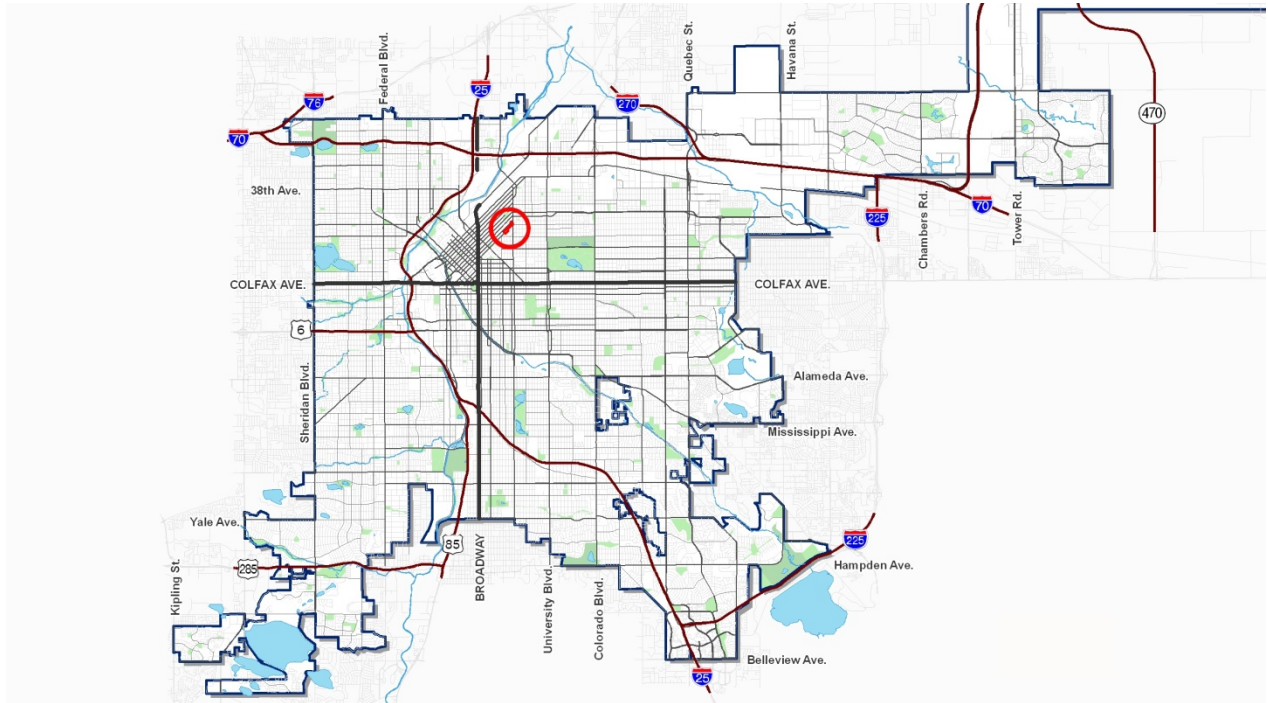
TO: Denver Planning Board, Kenneth Ho, Chair
FROM: Courtland Hyser, Senior City Planner
DATE: March 11, 2014
RE: Legislative Sponsored Zoning Map Amendment #2013I-00048
Portions of 2800-3000 Blocks of Welton Street - **Rezoning from C-MX-3 to C-MX-5**

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends approval for proposed map amendment #2013I-00048 for a rezoning from C-MX-3 to C-MX-5.

Request for Rezoning

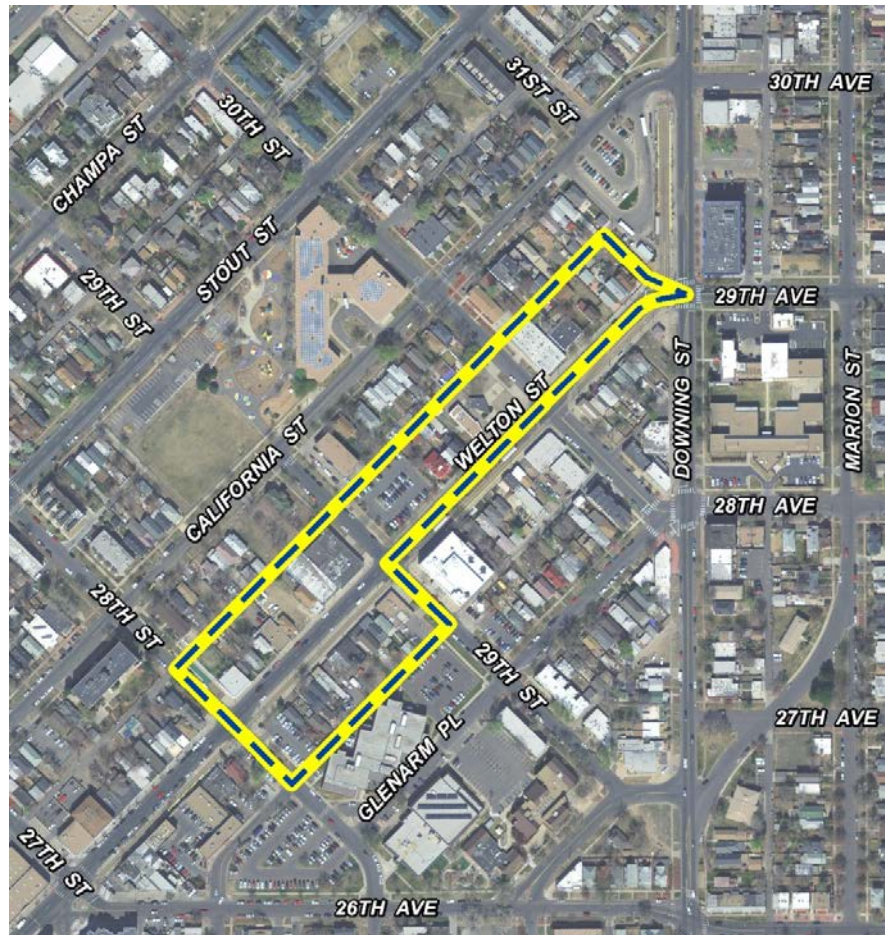
| | |
|--------------------------------|--|
| Proposed map amendment: | #2013I-00048 |
| Address: | Portions of 2800-3000 Blocks of Welton Street |
| Neighborhood/Council District: | Five Points / Council District #8 |
| RNOs: | Curtis Park Neighbors, Five Points Historic Association, Five Points Business District, Denver Neighborhood Association, City Park Friends and Neighbors, Whittier Neighborhood Association, The Points Historical Redevelopment Corp, Welton Corridor Property Owners, Inter-Neighborhood Cooperation |
| Area of proposed rezoning: | 7.01 acres, including right-of-way |
| Current Zoning: | C-MX-3 |
| Proposed Zoning: | C-MX-5 |
| Resolution from City Council: | CR-13-0642 Directs Community Planning and Development to prepare a zone map amendment to change the zoning classification of portions of the 2800, 2900, and 3000 blocks of Welton Street from C-MX-3 to C-MX-5. |
| City Council Sponsor: | Albus Brooks, Council District 8 |





Summary of Rezoning Request

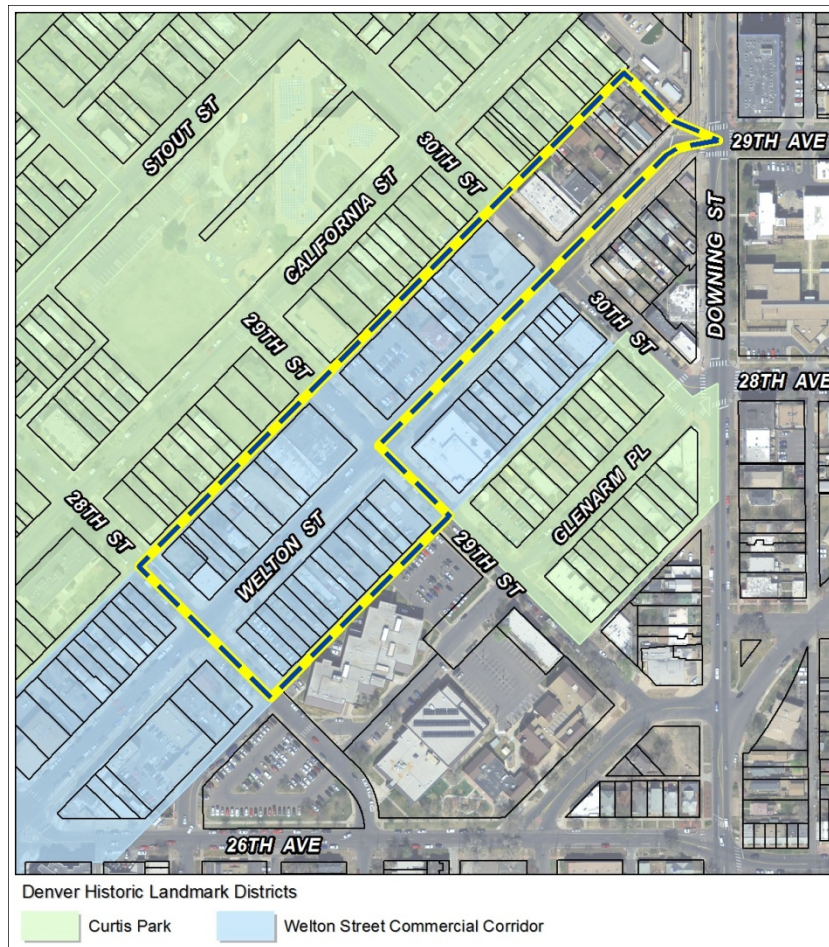
This is a legislatively-sponsored rezoning proposal by Denver City Council, which directed CPD to prepare this zone map amendment via the passage of City Council Resolution CR-13-0642 on September 30, 2013. The area proposed for rezoning is located on the 2800, 2900, and 3000 blocks of Welton Street in the Five Points Neighborhood Statistical Area. Some properties on these blocks are currently zoned C-MX-3, while others are zoned C-MX-5. The proposed action would remap 38 properties on these blocks that are currently zoned C-MX-3 to C-MX-5. Details of the existing and proposed zone districts can be found in Article 7 of the Denver Zoning Code (DZC).



*Map of Proposed Extent of Legislative Rezoning
2800-3000 Blocks of Welton Street*

Existing Context

The subject properties are located in the Five Points Neighborhood Statistical Area. Within Five Points, the site of the proposed rezoning is located on the northernmost three blocks of Welton Street, from 28th Street to near the intersection of Downing Street and 29th Avenue. The properties between 28th Street and 30th Street are located within the Welton Street Commercial Corridor Cultural District, a locally-designated historic district that was established in 2002. Additionally, the Curtis Park-G Historic Landmark District is located west of and adjacent to the subject area.

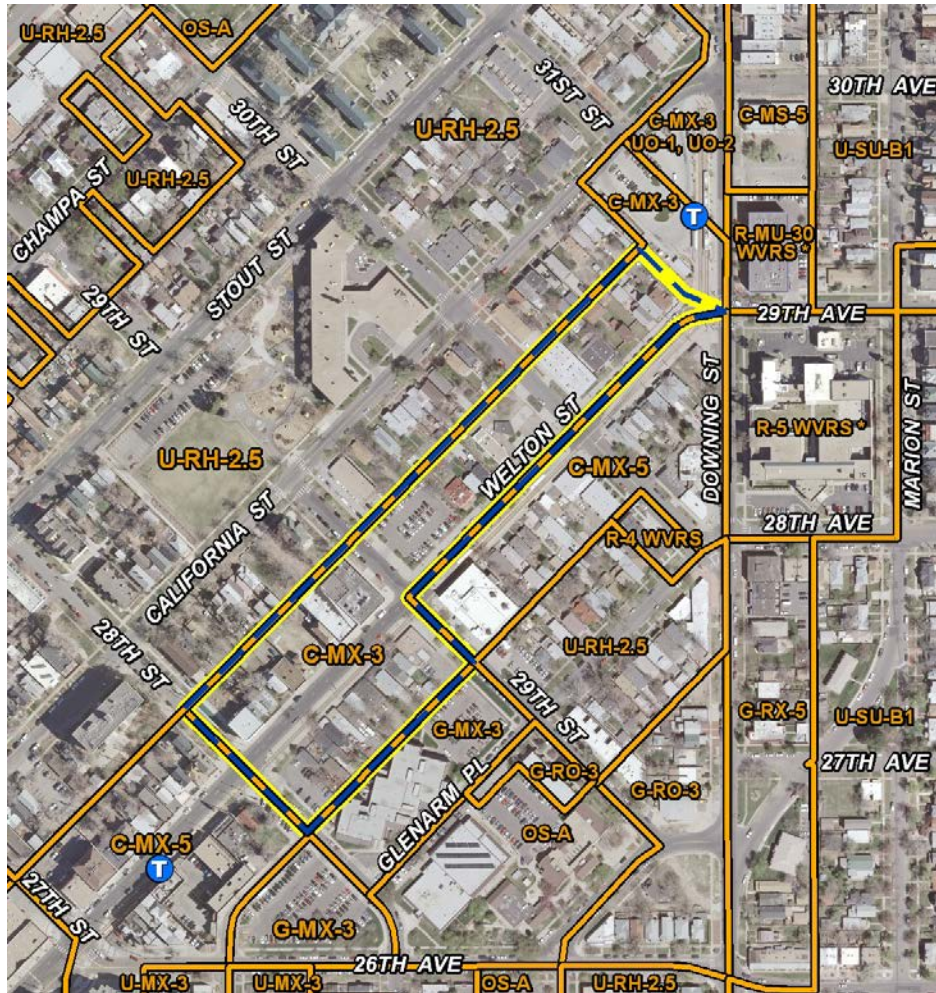


The following table summarizes the existing context proximate to the subject area:

| | Existing Zoning | Existing Land Use | Blueprint Denver | Existing Block, Lot, Street Pattern |
|---------------|-----------------|--------------------------------------|---|--|
| Subject Sites | C-MX-3 | Residential, Commercial, & Mixed Use | Pedestrian Shopping Corridor, TOD – Area of Change | Regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the rear or side of buildings (alley access). |
| Northwest | U-RH-2.5 | Residential | Urban Residential – Area of Change | |
| Northeast | C-MX-3 | Transit Station, Surface Parking | TOD – Area of Change | |
| Southeast | C-MX-5, G-MX-3 | Commercial and Residential | Mixed Use, Pedestrian Shopping Corridor – Area of Change; Single Family Residential – Area of Stability | |
| Southwest | C-MX-5 | Commercial and Residential | Pedestrian Shopping Corridor – Area of Change | |

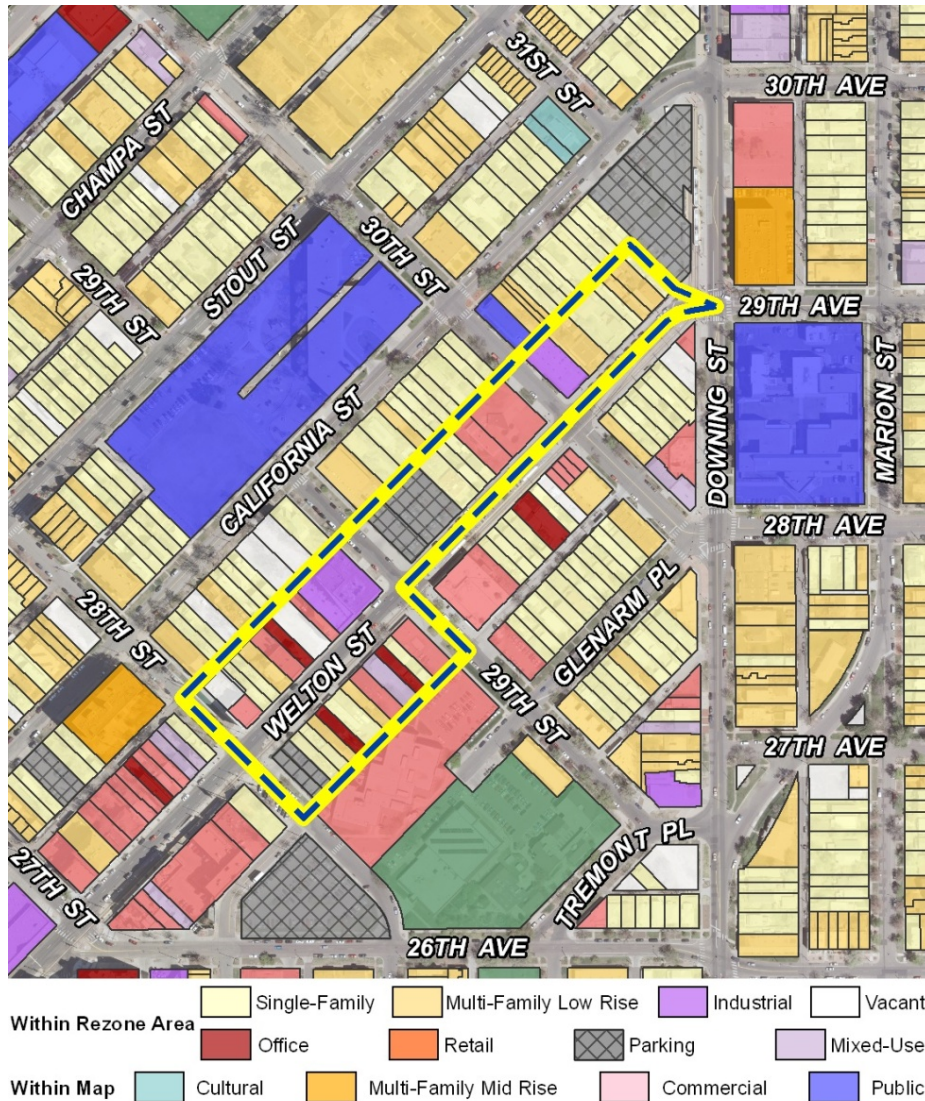
1. Existing Zoning

C-MX-3 is a mixed use district that allows a wide variety of uses including commercial, office, retail, residential, service, and many other uses at a maximum building height of 3 stories/45 feet . The proposed C-MX-5 zoning allows all of the same uses, but has a maximum building height of 5 stories/70 feet. For more detailed information see Article 7 of the DZC.



2. Existing Land Use

A variety of land uses currently exist within the subject area, including single family and low rise multifamily residences, retail, office, and services, among other uses. The Curtis Park neighborhood lies across the alley to the northwest of the subject area. To the northeast lies the 30th & Downing Light Rail Station and the Downing corridor. To the southeast and southwest lies the remainder of the Welton Street/Five Points Business District.



3. Existing Building Form and Scale



30th & Welton, looking northeast.



30th & Welton, southwest corner.



29th & Welton, looking southwest.



The RTD parking lot on the northwest corner of 29th & Welton.



29th & Welton, looking southeast.



29th & Welton, looking northeast. These properties are already zoned C-MX-5.

Most of the buildings in the subject area are 1 to 2 stories in height. Building forms are a mix of residential and commercial, with urban house being the predominant residential building form

and commercial buildings being predominantly the shopfront and general commercial forms. Residential structures tend to have a shallow setback from the sidewalk, while commercial structures typically have a zero setback. Welton Street has many examples of residential structures that have been converted to commercial by attaching a shopfront addition to the front of an existing home, eliminating what was formerly a front yard setback. Off-street parking, where present, is typically located in the rear, serviced by alleys.

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:

Fire Department: The Denver Fire Department approves re-zoning only. However, all future projects must comply with the current Fire Code prior to completion.

Parks and Recreation: No Comment

Development Services – Transportation: DS Transportation approves the subject zoning change. The applicant should note that redevelopment of the properties within the boundaries of the zoning change 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 these properties begin 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 projects. Please let me know if you have any questions.

Development Services- Waste Water: There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may results in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Public Works – City Surveyor: The legal description is approved as written. The exhibit includes a little "arrow" shape projecting from the described corner at the north end of Welton St. to the intersection of 29th and Downing, but I don't think this warrants redrawing the exhibit.

Public Review Process

On February 26th, owners of all 38 affected properties within the legislative rezoning area were sent a notification letter explaining the intent of the rezoning and identifying scheduled hearing dates and resources for more information. The letter was sent by the Five Points Business

District Office in coordination with Council District 8 and CPD. A copy of the letter is included as an attachment to this staff report.

CPD Staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on March 4, 2014.

CPD posted four signs throughout the affected area for a period of 15 days announcing the Denver Planning Board public hearing date of March 19, 2014. Written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

At the time of this staff report, no letters of opposition or support have been received.

Criteria for Review / Staff Evaluation

The criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.13, as follows:

DZC Section 12.4.10.13

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Welton-Downing Triangle Neighborhood Plan (1986 – re-adopted in 2000)
- Northeast Downtown Neighborhoods Plan (2011)

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services.

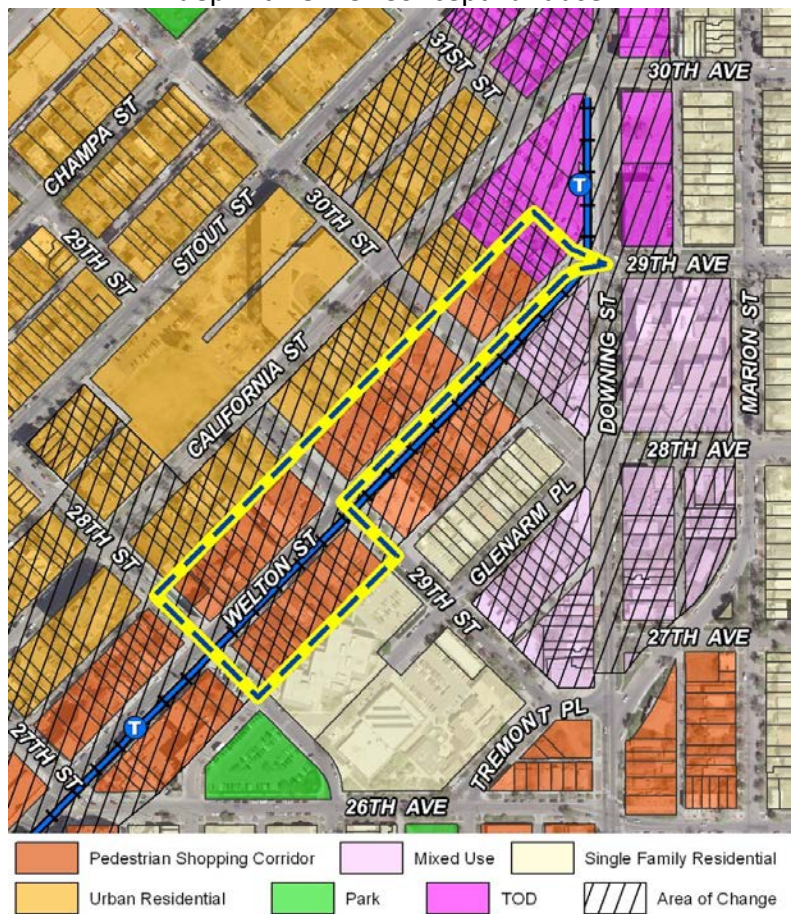
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.
- Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated.

The proposed C-MX-5 zone district allows for the option of mixed use development, increases allowed densities within the affected area, and includes development standards to help ensure compatibility with the surrounding neighborhood. The rezoning proposal is consistent with these Comprehensive Plan 2000 recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, the subject area has a concept land use of **Pedestrian Shopping Corridor** and **Transit-Oriented Development** and is located in an **Area of Change**.

Blueprint Denver Concept Landuse



Future Land Use

- Pedestrian Shopping Corridor: “A pedestrian shopping corridor exhibits the same land uses as a town center or neighborhood center, but it orients those uses in a linear rather than circular pattern. Many of the existing pedestrian shopping corridors in Denver grew from streetcar business districts. These corridors are scaled to be compatible with surrounding residential neighborhoods. Pedestrian shopping corridors have a continuous street frontage of buildings, wide sidewalks, on-street parking, and shared parking among businesses. These corridors provide pedestrian amenities and good transit service. Examples of this development pattern include East Colfax between Grant and York, Broadway from Ellsworth to Third Avenue, and the Welton Street light-rail corridor through Five Points” (page 45).
- Transit Oriented Development: “Transit-oriented developments...have a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along bus or rail lines within a mass transit network. Transit-oriented developments offer an alternative to traditional development patterns by providing housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access” (page 44).

Area of Change / Area of Stability

Area of Change: “The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, a high priority will be providing housing opportunities for existing residents. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop” (page 127).

Street Classifications

According to Blueprint Denver, Welton Street has a concept street classification of Main Street - Collector.

- “Main streets serve the highest intensity retail and mixed land uses in areas such as downtown and in regional and neighborhood centers. Main streets are designed to promote walking, bicycling, and transit within an attractive landscaped corridor. Generally, main street commercial activities are concentrated along a two- to eight-block area but may extend farther depending on the type of adjacent land uses and the area served” (page 56).
- “Collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings” (page 51).

The proposed C-MX-5 zone district provides the option for mixed-use development that relates to Welton as the primary street. The rezoning is consistent with the referenced Blueprint Denver plan recommendations.

Small Area Plan: Welton-Downing Triangle Neighborhood Plan

The Welton-Downing Triangle Neighborhood Plan (1986) provides guidance for the triangle-shaped area roughly bounded by California St, 20th Ave, and Downing St. The plan places the subject area in Subarea 6: Upper Welton. The plan acknowledges the mix of residential and commercial uses that are found on the northern blocks of Welton Street. The plan recommends allowing additional commercial on the 2800 and 2900 blocks in particular, if commercial is found to be compatible with adjacent residential uses (page 91). It should be noted that in the time since this plan was adopted in 1986, the subject properties have received mixed use zoning (C-MX-3) that allows both commercial and residential uses to co-exist adjacent to each other and within individual structures.

The proposed rezoning of this site to C-MX-5 is consistent with the referenced content of the Welton-Downing Triangle Plan.

Small Area Plan: Northeast Downtown Neighborhoods Plan

The Northeast Downtown Neighborhoods (NEDN) Plan (2011) established specific land use, building form, and density recommendations for this area. The plan emphasizes the importance of effectively transitioning from higher density corridors, such as Welton Street, to lower density areas, such as the residential neighborhood of Curtis Park. Recommendation A.2 (page 18) provides detail on this concept:

“A.2 Moderate Intensity Development Transitioning to Residential Neighborhoods

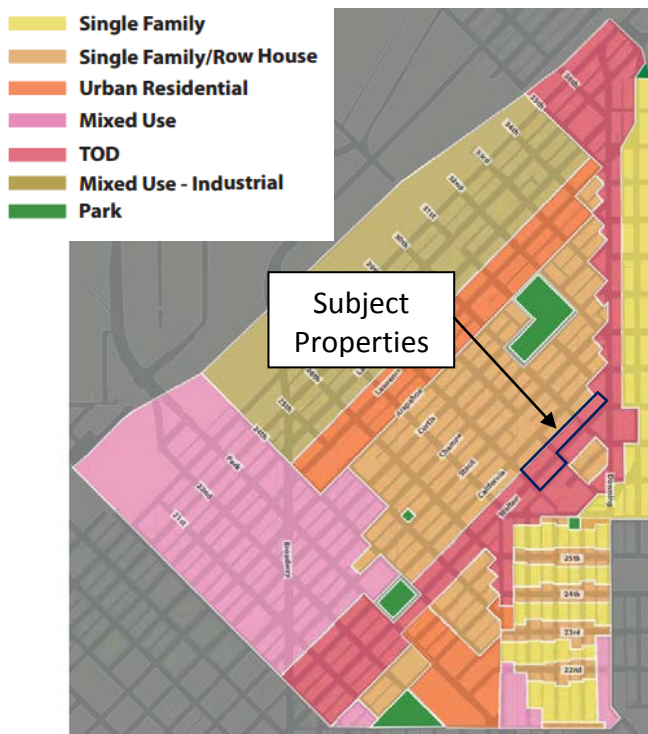
Where higher intensity development transitions to residential neighborhoods, and along main street corridors (Welton, Downing, and Larimer):

- Allow a moderate and mixed scale of general, shopfront, apartment and rowhouse building forms.
- Site building forms in a context sensitive manner with emphasis on orienting to the street with parking and access in the rear/off the alley.
- Promote the use of design elements that link the building directly to the street environment, such as ground story activation, transparent window openings and doorways at the street.
- Make use of design elements, such as upper story setbacks, as necessary, to minimize massing adjacent to residential areas.
- Allow a mix of uses within the area and within buildings.
- Encourage TOD along transit corridors with sensible transitions to adjacent residential neighborhoods.

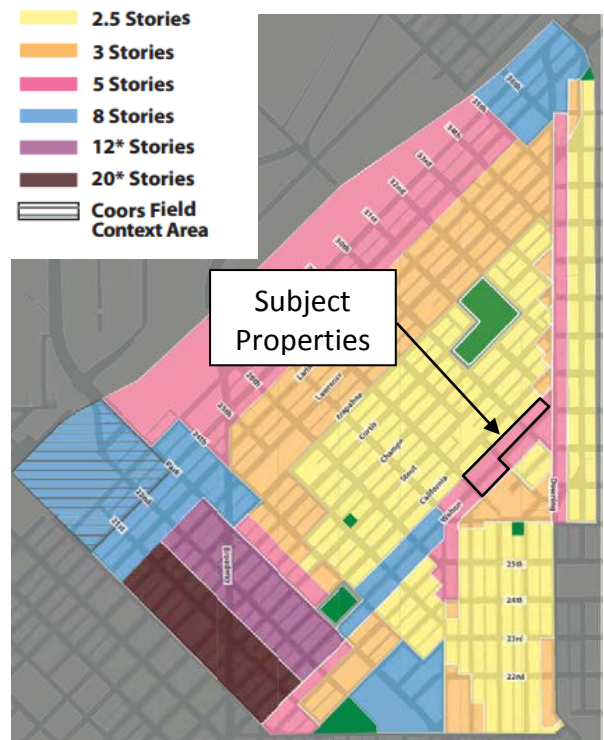
- Make use of streetscape elements that support and promote pedestrian and bicycle use, such as wide sidewalks, bike racks, public trash cans, pedestrian scale lighting, and tree wells or tree lawns.”

The plan’s Future Land Use and Height maps identify the subject area as Transit Oriented Development (TOD) with a maximum building height of 5 stories. The plan defines TOD as a type of mixed use development that is related to the presence of transit: “Transit-oriented developments have land uses with a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along mass transit lines, especially rail lines. Transit-oriented developments provide housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access. Within Northeast Downtown, TOD occurs at several different scales, reacting to the amount and type of transit service and the context of the existing adjacent neighborhoods” (page 16).

NEDN Concept Land Use



NEDN Concept Building Heights



The proposed C-MX-5 zone district requires land use, height, siting and design elements that are consistent with the referenced NEDN Plan recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-5 will result in the uniform application of zone district building form, use and design regulations. Currently on the 2800-3000 blocks of Welton Street, some properties are zoned C-MX-3 while others are zoned C-MX-5. Rezoning the C-MX-3 properties to C-MX-5 will encourage uniform application of the new DZC in this area.

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 implementation of the City's adopted land use plans.

Staff Recommendation

Based on the analysis set forth in this staff report, CPD staff finds that the proposal to rezone the subject properties in the 2800, 2900, and 3000 blocks of Welton Street from C-MX-3 to C-MX-5 meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. City Council Resolution CR-13-0642
2. Legislative Rezoning Proposal
3. Copy of Notification Letter to Property Owners

1 **BY AUTHORITY**

2 RESOLUTION NO. CR13-0642
3 SERIES OF 2013
4

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A RESOLUTION**

6 **Concerning a Zoning Map amendment to change the zoning classification of portions of**
7 **the 2800, 2900, and 3000 Blocks of Welton Street from C-MX-3 to C-MX-5.**
8
9

10 **Whereas**, the Northeast Downtown Neighborhoods Plan, in consideration of multiple light
11 rail stations located along Welton Street, identifies transit-oriented development at a maximum
12 height of five stories as appropriate for the entirety of the 2800-3000 blocks of Welton Street; and
13

14 **Whereas**, the existing Urban Center-Mixed Use-3 (C-MX-3) zoning on portions of these
15 blocks three allows for a maximum building height of only three stories; and
16

17 **Whereas**, Urban Center-Mixed Use-5 (C-MX-5) is the zone district that best implements
18 the Northeast Downtown Neighborhoods Plan’s vision for transit-oriented development on these
19 blocks; and
20

21 **Whereas**, City Council, in consultation with the Department of Community Planning and
22 Development, desires to ensure all affected property owners and registered neighborhood
23 organizations have sufficient notification and time to consider the proposed map amendment; and
24
25

26 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
27 **DENVER:**
28

29 **Section 1.** The Council hereby directs the Department of Community Planning and
30 Development to complete the efforts set forth herein:
31

- 32 A. Follow the Public Notice Requirements, applicable to all zone map amendments,
33 defined in the Denver Zoning Code Section 12.3.4.
34
35 B. Create a staff report, establishing a recommendation, including the review applicable
36 to all zone map amendments as defined in the Denver Zoning Code sections
37 12.4.10.7 and 12.4.10.13.

38 **Section 2.** The Council hereby expresses its intention that the proposed official map
39 amendment be considered for formal adoption by the City Council in accordance with the following
40 procedures:
41

- 42 A. The Planning Board shall hold a public hearing and forward a recommendation to
43 City Council as defined in the Denver Zoning Code Section 12.4.10.8.
44

1 B. The City Council Land Use, Transportation and Infrastructure Committee shall
2 consider the map amendment as defined in the Denver Zoning Code Section
3 12.4.10.9.

4
5 C. City Council shall hold a public hearing and make a final decision as defined in the
6 Denver Zoning Code Section 12.4.10.10.

7
8 COMMITTEE APPROVAL DATE: on consent 9/19/2013

9 MAYOR-COUNCIL DATE: on consent 9/24/2013

10 PASSED BY THE COUNCIL: _____, 2013
11 _____ - PRESIDENT

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER
15

16 PREPARED BY: Kerry A. Buckey DATE: 09/09/2013

17
18 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22
23 Douglas J. Friednash, Denver City Attorney

24 BY: _____, Assistant City Attorney DATE: _____, 2013
25
26
27
28

Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|--|--|--|-------------------------------------|
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | | <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | Multiple owners - see location below | Representative Name | Albus Brooks - legislative rezoning |
| Address | | Address | |
| City, State, Zip | | City, State, Zip | |
| Telephone | | Telephone | |
| Email | | Email | |
| <p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p> | | <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> | |
| <p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> | | | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address and/or boundary description): | Portions of the 2800, 2900 and 3000 blocks of Welton Street currently zoned C-MX-3 - See legal | | |
| Assessor's Parcel Numbers: | Multiple - See legal | | |
| Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.) | Attached | | |
| Area in Acres or Square Feet: | Approximately 7.01 acres - See legal | | |
| Current Zone District(s): | C-MX-3 | | |
| PROPOSAL | | | |
| Proposed Zone District: | C-MX-5 | | |

Legal Description

A parcel of land in the SW $\frac{1}{4}$ of Section 26, Township 3 South, Range 68 West of the 6th P. M., City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the intersection of the centerline of 28th Street and the southwesterly extension of the centerline of the alley in Block 71 of Case and Ebert's Addition to Denver;

thence northeasterly along said extended centerline of the alley in Block 71, and continuing along said extended centerline along the alley centerlines of Blocks 72 and 73, said Case and Ebert's addition to the point of intersection with the northwesterly extension of the southeasterly 18.75 feet of Lot 29, said Block 73 Case and Ebert's Addition;

thence southeasterly along said line of the southwesterly 18.75 feet of Lot 29, Block 73 Case and Ebert's Addition to the point of intersection with the centerline of Welton Street;

thence southwesterly along said centerline of Welton St. to the centerline of 29th St.;

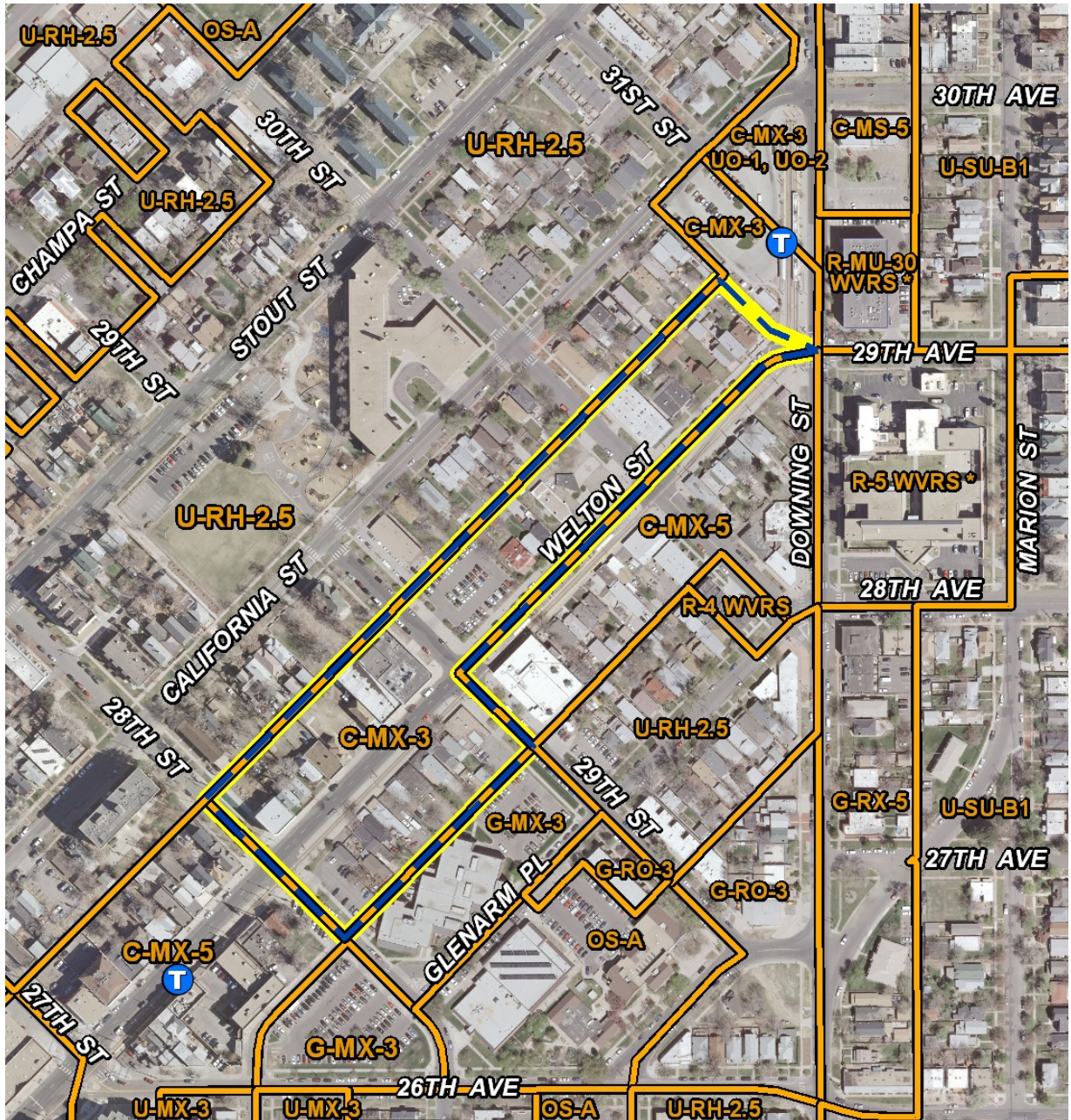
thence southeasterly along said centerline of 29th St. to the intersection of the northeasterly extension of the southwesterly centerline of the alley in block 77 of Case and Ebert's Addition to Denver;

thence southwesterly along said extended centerline of the alley in Block 77 to the centerline of 28th St.;

thence northwesterly along said centerline of 28th St. to the Point Of Beginning.

Containing 7.01 Acres, more or less.

Map of Proposed Extent of Legislative Rezoning
2800-3000 Blocks of Welton Street





February 26, 2014

Dear Property Owner,

In the weeks ahead the City of Denver will consider rezoning portions of the 2800-3000 blocks of Welton Street from C-MX-3 to C-MX-5. You are receiving this letter because you own property in the area proposed to be rezoned. For a visual reference, please refer to the back of this letter for a map of the proposed area.

Your property's current zoning, C-MX-3, is a mixed use district that allows a wide variety of uses including commercial, office, retail, residential, service, and many other uses at a maximum building height of 3 stories. The proposed C-MX-5 zoning allows all of the same uses, but has a maximum building height of 5 stories. Increasing the height will align the area with adjacent property sites and provide opportunity for you to increase the level of density for potential redevelopment activity. The impact on neighborhood residents will be minimal because the Curtis Park Neighborhood is a "protected district" which triggers commercial development to be compatible with residential zoning.

The current zoning, C-MX-3, was put in place in June of 2010 as part of a city-wide zoning code update. At the time, the Five Points area did not have an adopted neighborhood plan to guide the remapping, and so the area received zone districts that were roughly equivalent to the commercial zoning that had previously been in place. This resulted in some blocks in the northern portion of the Five Points commercial district receiving 5 story mixed use zoning, while other blocks received 3 story mixed use zoning. When the Northeast Downtown Neighborhoods Plan was adopted by City Council in 2011, it recommended that all of the properties in this area be treated the same with the maximum building height of 5 stories. The proposed rezoning to C-MX-5 is intended to implement this recommendation.

If you have any questions, please contact me at tjwinchester@fivepointsbiz.org or 303-832-5000. If you have specific questions about the proposed zoning or the rezoning process, please contact Courtland Hyser at the City's Community Planning and Development (CPD) department, who can be reached at courtland.hyser@denvergov.org or 720-865-2924.

There will be a public hearing at the Planning Board on March 19, 2014 at 3 p.m. in the Webb Municipal Office Building, 201 W. Colfax Ave., Room 4.F.6. Following the Planning Board hearing, a presentation and vote at City Council will be scheduled. Additional information such as CPD's staff report and the date of the City Council public hearing will be posted at www.denvergov.org/rezoning under "pending map amendments." The case number for this rezoning is #2013I-00048.

Sincerely,

Tracy Winchester
Executive Director