



**DENVER**  
THE MILE HIGH CITY

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**TO: Denver Planning Board, Brad Buchanan, Chair**  
**FROM: Theresa Lucero, Senior City Planner**  
**DATE: March 5, 2013**  
**RE: Zoning Map Amendment #2012I-00043**  
**5042-44 North Federal Boulevard**  
**Rezoning from E-CC-3X to E-MX-3A**

**Staff Report and Recommendation**

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends **approval** for proposed map amendment #2012I-00043 for a rezoning from E-CC-3X to E-MX-3A.

**I. Scope of Rezoning**

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Proposed Map Amendment: **#2012I-00043**  
Address: 5042-44 North Federal Boulevard  
Neighborhood/Council District: Chaffee Park Neighborhood / City Council District #1  
RNOs: Berkeley Neighborhood Association;  
Berkeley Regis United Neighbors, Inc.;  
Chaffee Park Neighborhood Association;  
Federal Boulevard Corridor Improvement Partnership;  
Inter-Neighborhood Cooperation;  
Northwest Neighbors Coalition;  
Northwest Quadrant Association  
  
Area of Property: 0.14 Acres / 6,070 SF  
Current Zoning: E-CC-3X  
Proposed Zoning: **E-MX-3A**  
Applicant/Owner: Eric Johanson, Applicant  
Contact Person: Eric Johanson

**II. Summary of Proposal and Existing Conditions**

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With the proposed rezoning the applicant, who leases the existing commercial structure, proposes to rezone to a different commercial zone district that will allow him to add an additional commercial land use to his existing business. The applicant currently operates a barber shop and proposes a zone district that will allow him to add a body art establishment land use to his business. The current zoning of the subject property is E-CC-3X, or Urban **E**dge context, **C**ommercial **C**orridor with a maximum height of three stories. The E-CC-3X zone district is a commercial corridor zone district intended for use on auto-oriented arterial streets which allows less intense land uses than the E-CC-3 zone district.

The proposed E-MX-3A zone district, or Urban **E**dge context, **M**ixed **U**se with a maximum height of three stories, is also intended for use on arterial streets where pedestrian-scaled mixed-use areas are desirable. The building form standards of the Mixed Use zone districts balance the

importance of street presence and provision of parking with build-to requirements, ground story activation and parking lot screening along the right-of-way. The Mixed Use zone district standards are intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

The subject property is located mid-block on the east side of the Federal Boulevard block between West 50<sup>th</sup> and 51<sup>st</sup> Avenues in the Chaffee Park Neighborhood. The structure is between other existing commercial structures which are located directly at the front property line. Other structures on the block are located behind parking lots or fuel pump canopies. Directly adjacent to the property on the north is an office, directly south is a beauty shop and nail salon, on the east, across an alley, is a single family home, and west, across Federal Boulevard, is a parking lot for Regis University. In the general vicinity are Berkeley Hills Park on the Marycrest campus to the northeast, Beach Court Elementary School to the southeast, Interstate 70 to the south, Regis University to the west and the northern city boundary 2 blocks to the north. The local block pattern south of 52nd Avenue consists primarily of traditional rectilinear blocks shaped by a grid street pattern with alleys and attached sidewalks. The block patterns north of 52nd Avenue and on the Regis University campus are larger lots of varying size, typically with no sidewalks and alleys.

**III. Legal Justification for Rezoning**

**Changing Conditions**

Due to changing economic conditions the applicant is attempting to rezone to a different commercial zone district that will allow him to expand his business into additional personal services. Both the existing barber shop land use and the proposed body art establishment land use are allowed in the E-MX-3A zone district.

**IV. Existing Context**

	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	E-CC-3X	Existing Non-residential structure	Area of Stability Neighborhood Center
<b>North</b>	E-CC-3X	Existing Non-residential structure	Area of Stability Neighborhood Center
<b>South</b>	E-CC-3X	Existing Non-residential structure	Area of Stability Neighborhood Center
<b>West</b>	B-3	Surface Parking	Area of Stability Neighborhood Center
<b>East</b>	E-SU-DX	Single-family Residential	Area of Stability Single Family Residential



*Commercial structures north of subject property*



*Commercial structures south of subject property*



*Subject Property*



*Single-unit residential east of subject property.*



*Surface parking west of subject property*

## V. Summary of Legal Notice and Public Process

The property was posted with notification signs and written notification of the Planning Board meeting was sent to all affected Registered Neighborhood Associations 15 days prior to the meeting.

## VI. Community Response

To date no comment has been received from the Registered Neighborhood Associations in the area.

## VII. Criteria for Review

The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*
- *Federal Boulevard Corridor Plan (1995)*
- *Denver Zoning Code*

### A. Denver Comprehensive Plan 2000

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

- Economic Activity chapter, Strategy 3-B is to “**Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.**” (p. 133)
- Economic Activity chapter, Strategy 5-A is to “**Support small-scale economic development in neighborhoods...**” (p. 136)
- Land Use chapter, Strategy 3-B is to “**Encourage quality infill development that is consistent with the character of the surrounding neighborhood...**” (p.60).

### B. Blueprint Denver

Blueprint Denver, the City’s Land Use and Transportation Plan, identifies the property as being within an *Area of Stability* with a land use recommendation of *Neighborhood Center*. The Blueprint Denver street type for north Federal Boulevard is Residential Arterial.

The goal of Areas of Stability is to maintain the character of an area while accommodating some new development and redevelopment. Neighborhood Centers are mixed use areas which serve the everyday shopping, service or entertainment needs of one or more neighborhoods. The proposed rezoning to expand the existing commercial land uses in an existing commercial structure allows reinvestment in the area that is consistent with the Neighborhood Center concept and the





existing neighborhood context. This conforms to the Blueprint Denver strategy of reinvestment in Areas of Stability. The E-MX-3A zone district will allow the new body art establishment use and the existing barber shop to coexist within the same structure.

### **C. Federal Boulevard Corridor Plan (1995)**

The Federal Boulevard Corridor Plan adopted in 1995 and readopted as a supplement to the Denver Comprehensive Plan 2000. The purpose of the Plan was to define recommended improvements within the public right-of-way and to establish development guidelines for properties adjacent to the public right-of-way.

Within the Plan are “Neighborhood Protection Elements (North Segment)...for consideration by the City to retain single family structures for residential use” (p.51). The recommendations include:

1. “...Commercial development should be limited to existing zoned nodes of development.
2. If rezonings are proposed, the Planned Unit Development (PUD) process is encouraged along with the following criteria:
  - a. Uses are neighborhood retail or service;
  - b. Structures are residential in scale and residential character of existing structures is retained;
  - c. Transition and buffers to residential uses are provided;
  - d. Landscaping and screening are provided for visual enhancement;
  - e. No additional right-of-way on Federal Boulevard is required for acceleration/deceleration lanes.”

The proposed rezoning conforms with the Federal Boulevard Corridor Plan because the proposed rezoning conforms with the plan recommendations that commercial uses remain within existing commercial areas, because the existing low-scale commercial structure is in scale with the surrounding commercial and residential neighborhood, and because the existing alley provides a buffer to the residential uses to the east.

### **D. Denver Zoning Code**

The Denver Zoning Code (Section 12.4.10) requires all Official Map Amendments to comply with the following criteria.

#### **1. General Review Criteria Applicable to All Zone Map Amendments (Section 12.4.10.13)**

As proposed, rezoning #2012I-00043 is consistent with the general review criteria outlined in this section of the Denver Zoning Code including:

- A. Consistency with Adopted Plans:** Rezoning #2012I-00043 implements and is consistent with recommendations in adopted plans.
- B. Uniformity of District Regulations and Restrictions:** Rezoning the site to E-MX-3A will have no effect on the uniformity of district regulations.
- C. Public Health, Safety and General Welfare:** The proposed map amendment furthers the public health, safety and general welfare of the City.

#### **2. Additional Review Criteria for Non-legislative Rezoning (Section 12.4.10.14)**

##### **A. Justifying Circumstances**

Denver Zoning Code criteria is that the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The

proposed zone district, E-MX-3A, is in response to changing economic conditions and the need to expand the number of services offered to local customers. The existing zoning of the property, E-CC-3X was put in place in response to the commercial nature of the street and the Plan recommendation of Neighborhood Center. The proposed E-MX-3A zone district also conforms with the Neighborhood Center Plan recommendations and allows the new proposed land use to also occupy the existing commercial structure. And the scale of the existing structure is compatible with both the existing commercial corridor and the surrounding residential neighborhood.

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

Denver Zoning Code Criteria is that the proposed official map amendment should be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. The Urban Edge Context is characterized by mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is distinguished by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

Residential uses are primarily single-unit and two-unit residential uses with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas. Single-unit residential structures are typically Urban House forms with some Suburban House forms. Multi-unit forms are typically Town House, Garden Court, or Apartment forms embedded with other residential forms. Commercial buildings are typically Shopfront and General forms that typically contain a single type of use. The street and block patterns are rectilinear shaped blocks shaped by a grid street system with a mixed presence of alleys. The context is described in Section 4.1 of the Denver Zoning Code.

The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. There is a diverse menu of Mixed Use Zone Districts in the Urban Edge Neighborhood Context to recognize the diverse pattern of mixed use places in these neighborhoods. The Mixed Use districts are appropriate along corridors, embedded in neighborhoods and on large sites.

The building form standards of the Mixed Use Zone Districts balance the importance of street presence and provision of parking through build-to requirements, ground story activation and parking lot screening along the right-of-way. Predictable flexibility in building form options recognizes the varied development pattern of Urban Edge Neighborhoods. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

The E-MX-3A zone district is intended to ensure new development contributes positively to both our commercial corridors and established residential neighborhoods and character, and that they improve the transition between commercial development and adjacent residential neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites. The mixed use design

standards support a consistent pattern of buildings placed at the street to offer an active street front. Both the existing barber shop and the proposed body art establishment are allowed land uses in the E-MX-3A zone district

The differences between the E-CC-3X and the E-MX-3A zone districts are in both the land uses allowed and in the building form standards. The E-MX-3A district allows seven land uses (with limitations) that the E-CC-3x district does not allow. Of the seven, one use, *General Manufacturing* would not be allowed on the subject property due to its proximity to the adjacent residential zone district. The remaining six new land uses allowed by the E-MX-3A zone district include *Body Art Establishment* (only 2 such uses are allowed within 1,000 feet of each other); *Retail Sales Service & Repair, Outdoor* (limited to outdoor retail sales); *Automobile/Motorcycle/Light Truck Sales, Leasing, Pawn Lot or Vehicle Auctioneer* (limited by external effects on adjoining residential land uses); *Contractor, Special Trade, General* (limits on size of trucks allowed to be parked on the property); *Laboratory, Research, Development, Technological Service* (may include a small storage space for parts and supplies); *Mini-storage Facility* (may not have individual outside entrances). Some of the new land uses on the subject property may be further limited by the existing conditions of the subject property. These further limitations include the embedded nature of the existing structure, the relatively small size of the zone lot and the location of the existing parking in the rear of the structure. With the limitations on the newly allowed land uses and the challenges of the existing property staff is comfortable recommending the change to a different but compatible commercial zone district, the E-MX-3A zone district.

The primary differences between the E-CC-3X and the E-MX-3A zone districts in building form standards include the build-to requirement to the primary street and allowed parking location. In the E-MX-3A zone district the building is required to be within 15 feet of the primary street and does not allow parking between the structure and the front property line. In the E-CC-3x zoned district the structure may be within 80 feet of the primary street and parking is allowed between the building and the street. Given that the existing structure is located at the front property line, the form standards of the E-MX-3A zone district are a better fit for preserving the existing built form of the existing commercial structure.

## **VIII. Staff Recommendation**

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Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the properties located at 5042-44 North Federal Boulevard (Proposal #2012I-00043) to E-MX-3A.

### **Attachments:**

- 1. Application**
- 2. Map Series – (Aerial, Zoning, Blueprint Map)**



DENVER  
THE MILE HIGH CITY

COMMUNITY PLANNING & DEVELOPMENT

# CUSTOMER GUIDE

Appendix Page 1

## Zone Map Amendment (Rezoning) - Application

1/26/12

<input type="checkbox"/> <b>PROPERTY OWNER INFORMATION*</b>		<input type="checkbox"/> <b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Anna Im	Representative Name	Eric Johanson
Address	5042 N. Federal Blvd.	Address	5042 N. Federal Blvd
City, State, Zip	Denver CO 80211	City, State, Zip	Denver CO 80211
Telephone	303-359-3103	Telephone	720-365-1927
Email	annaim28@gmail.com	Email	ataak725@gmail.com
*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.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
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.			
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address and/or boundary description):	5042-44 N. Federal Blvd. Denver 80211		
Assessor's Parcel Numbers:	021740900 & 4000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Friends Resubdivision, Block 17, E. Berkeley		
Area in Acres or Square Feet:	6070 Sq Feet		
Current Zone District(s):	E-CC-3X		
<b>PROPOSAL</b>			
Proposed Zone District:	E-MX-3A		

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)

**311**  
for City Services  
Denver gets it done!

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Denver, CO 80202

(720) 865-2983 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



## Consistency With Plans

5042 North Federal Blvd  
Denver, CO 80221

CITY AND COUNTY OF DENVER

2013 JAN 29 AM 10:15

COMMUNITY PLANNING  
AND DEVELOPMENT

Environmental Sustainability Chapter, Strategy 2-E, "Conserve raw materials by:...Promoting efforts to adapt existing buildings for new uses, rather than destroying them."

- Environmental Sustainability Chapter, Strategy 2-F, "Conserve land by:... Promoting infill development within Denver at sites where services and infrastructure are already in place. Also by "Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods."

Legal Description

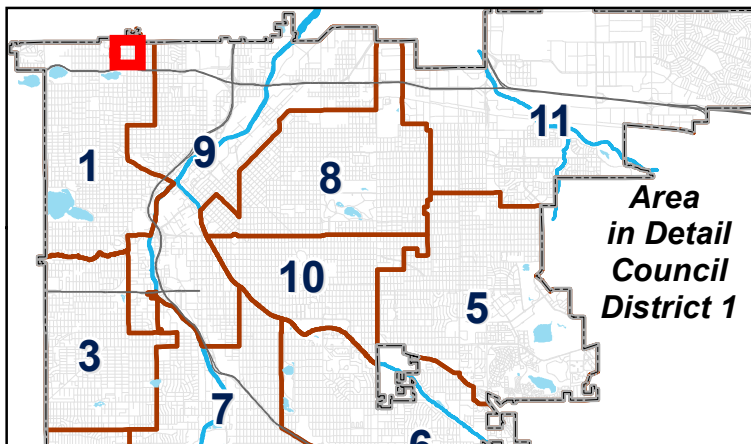
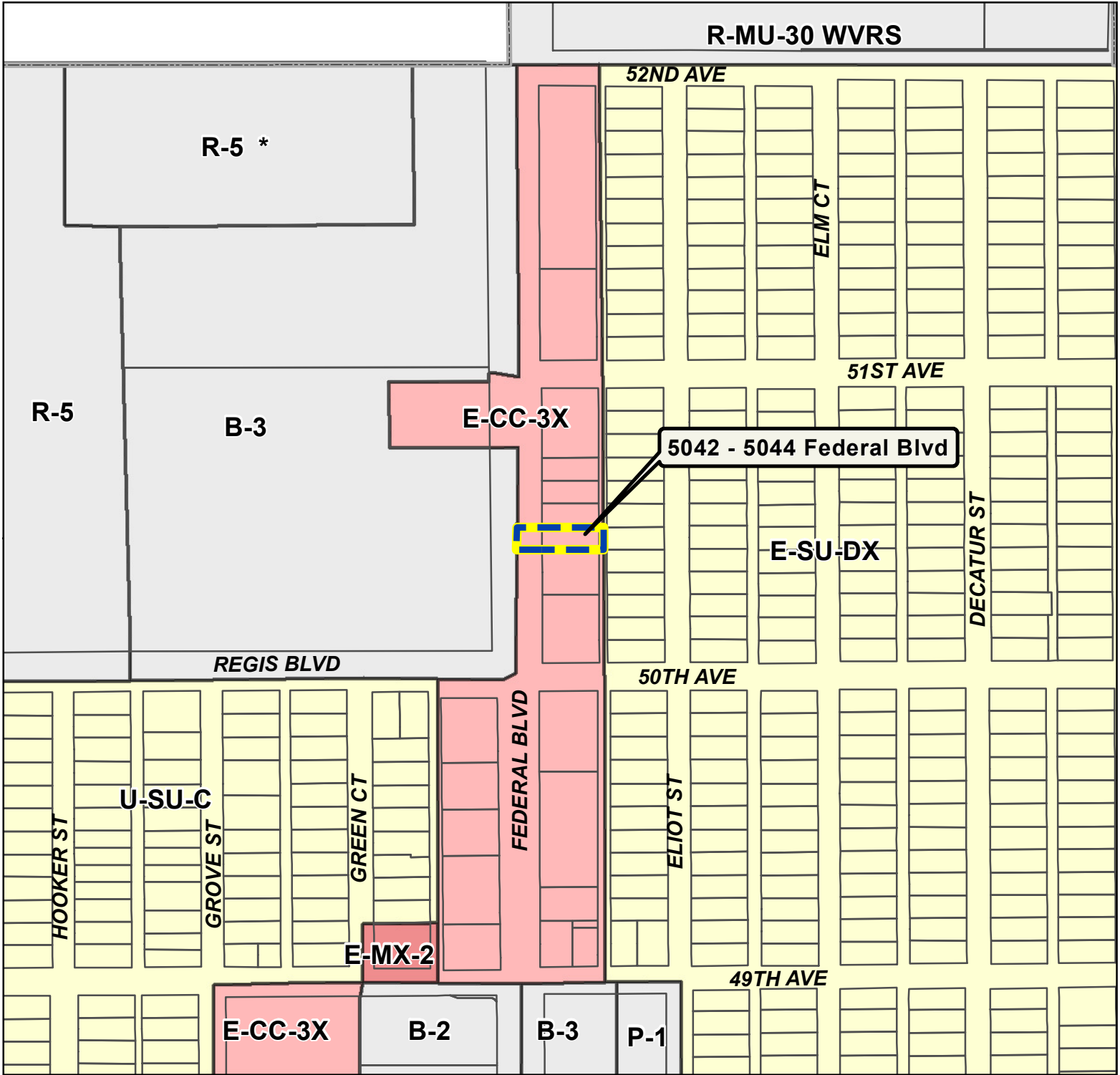
Lot 7,  
Friends Resubdivision, Block 17,  
East Berkeley,

City and County of Denver  
State of Colorado


CITY AND COUNTY OF DENVER  
2013 JAN 29 AM 10:15  
COMMUNITY PLANNING  
AND DEVELOPMENT


5042 Federal Boulevard  
Denver, CO 80221

# Pending Zone Map Amendment #2012i-00043



Application #2012i-00043  
Location: 5042 - 5044 Federal Blvd.

 Proposed Rezoning  
From: E-CC-3X  
To: E-MX-3A

 0 200 400 800  
Feet

Map Date: 12/12/12

Adams County



52ND AVE

ELM CT

51ST AVE

DECATUR ST

ELIOT ST

50TH AVE

REGIS BLVD

FEDERAL BLVD

49TH AVE

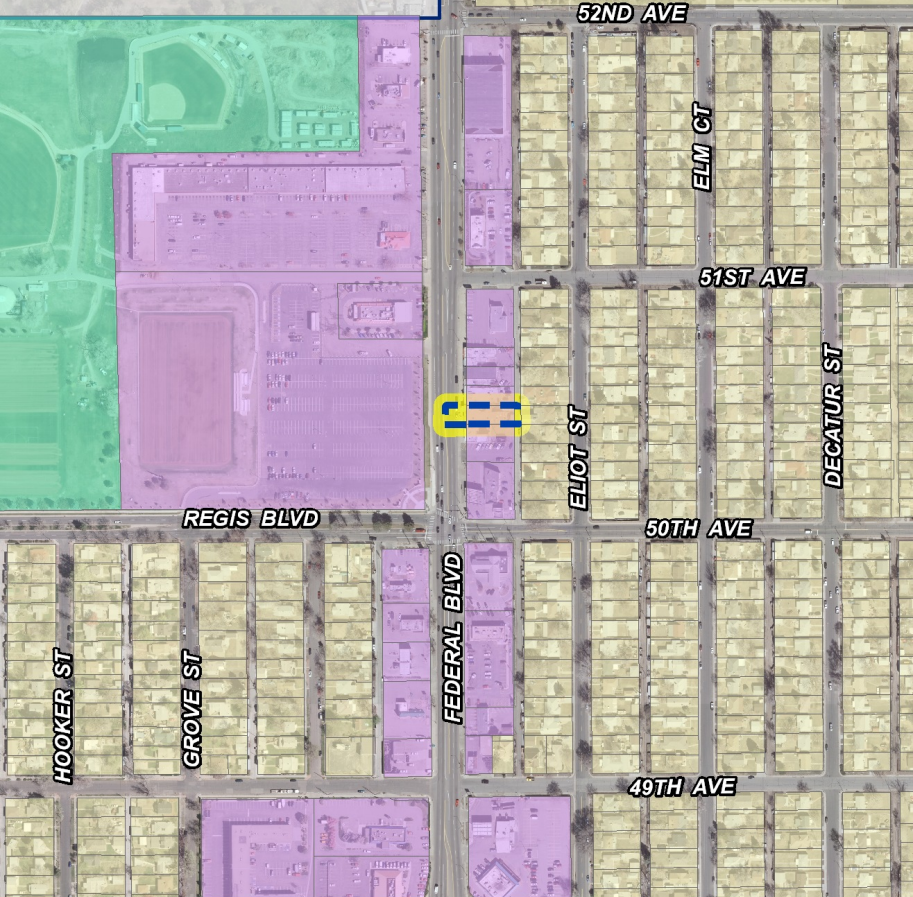
HOOKER ST

GROVE ST

Aerial - 2010



# Adams County



Campus



Neighborhood Center



Single Family Residential

**Entire Area of Map is Area Of Stability**