



**DENVER**  
THE MILE HIGH CITY

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**TO:** Denver City Council Land Use, Transportation and Infrastructure Committee  
**FROM:** Michelle Pyle, Senior City Planner  
**DATE:** August 1, 2013  
**RE:** Official Zoning Map Amendment Application #2012I-00013  
3057 W Kentucky Ave  
Rezoning from E-MX-2 to E-MX-3

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2012I-00013 for a rezoning from E-MX-2 to E-MX-3.

## Request for Rezoning

Application: #2012I-00013  
Address: 3057 W Kentucky Ave  
Neighborhood/Council District: Westwood / Council District 3  
RNOs: Athmar Park Neighborhood Association, Inc; SWIC SouthWest Improvement Council Westwood Advisory Council; Westwood Residents Association; Denver Neighborhood Association, Inc; Inter-Neighborhood Cooperation  
Area of Property: 23,599 square feet  
Current Zoning: E-MX-2  
Proposed Zoning: E-MX-3  
Property Owner(s): 3057 W Kentucky, LLC  
Owner Representative: Daniele Gaston

## Summary of Rezoning Request

- Currently the property is zoned E-MX-2 (Urban Edge Neighborhood Context – Mixed Use – 2 Stories), allowing 2 stories and 35' maximum height.
- The subject property has an existing vacant building (old Qwest building) that is approximately 45' in height (when including rooftop, completely enclosed mechanical equipment) and 2 stories.
- The rezoning to E-MX-3 would allow 3 stories and 45'.
- The property owner wishes to re-use the building for multi-family residential and to create a third story by removing the mechanical equipment and creating a habitable third story within the allowable 45' of E-MX-3.
- Further details of the E-MX-3 zone district can be found in Article 4 of the Denver Zoning Code (DZC).

### Existing Context Summary

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
<b>Site</b>	E-MX-2	Vacant building	2 Story; parking to side; attached sidewalk	Generally regular grid of streets, attached sidewalks, alleys but street access frequently used
North	E-SU-D1x (Single Unit, 6,000 square ft lots, accessory dwelling units)	Single family	1 ½ story homes; attached sidewalks; alley but most access from street	
South	PUD 114 (allows 16 two-story multi-family units)	Multifamily low-rise	1-2 Story; street access	
Southeast	E-MX-3	Industrial/Commercial	1-story auto-repair shop	
East	PUD 203 (allows convenience store, gas station and retail space, max height of 30')	Retail and gas station	1 story, setback from street	
West	E-MX-2	Communication Utility and neighborhood serving retail	2 story building, build-to, no windows or entrances facing street; 1-story strip commercial	



View from intersection of Federal and Kentucky Ave, looking West

2012 Aerial

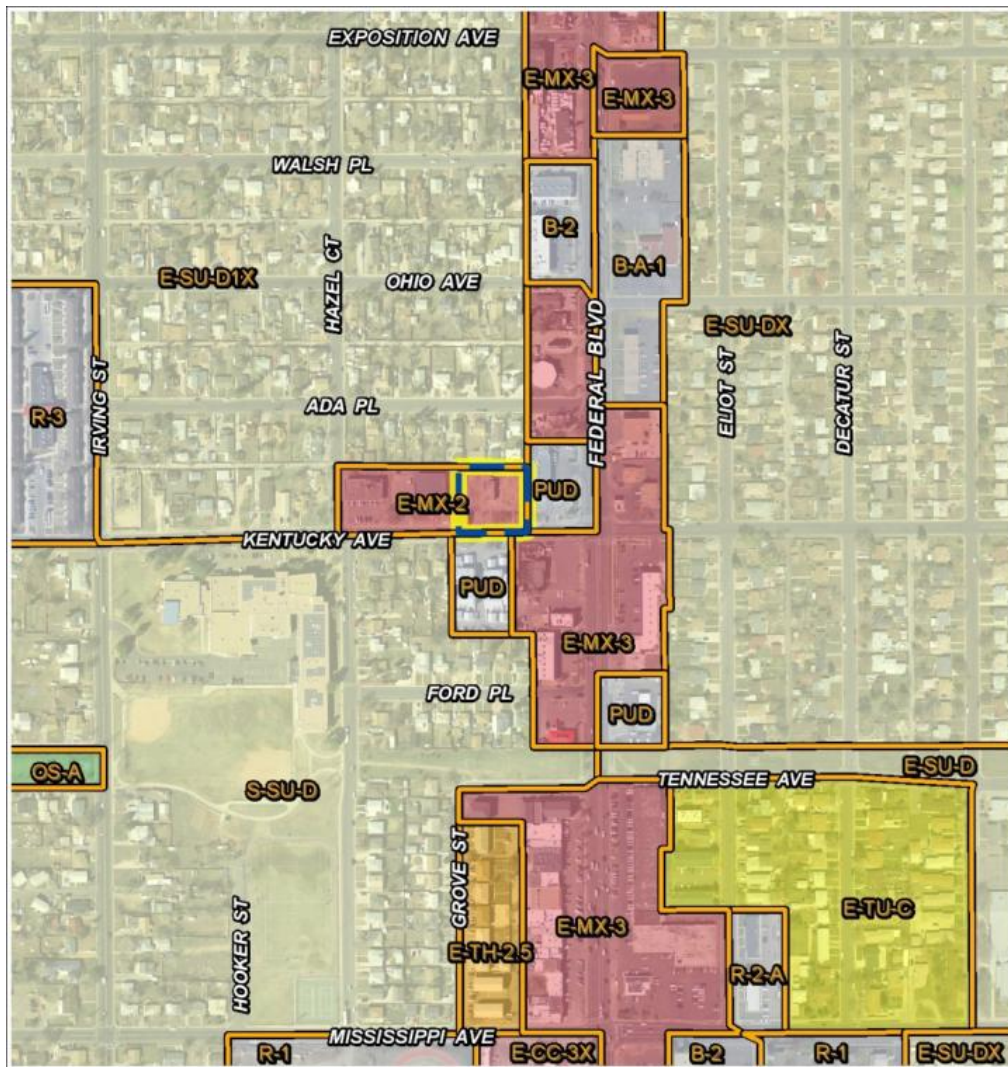
### 1. Existing and Proposed Zoning

The subject property is currently zoned E-MX-2:

- Uses: Allows a mix of uses – including residential and commercial
- Height: Maximum height of 2 stories and 35’.
- Form Standards: Allows surface parking between the building and the street, requires a street-facing entrance and transparency

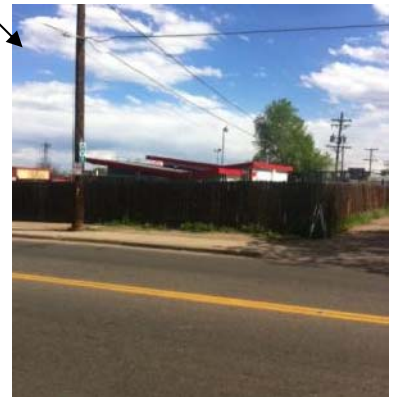
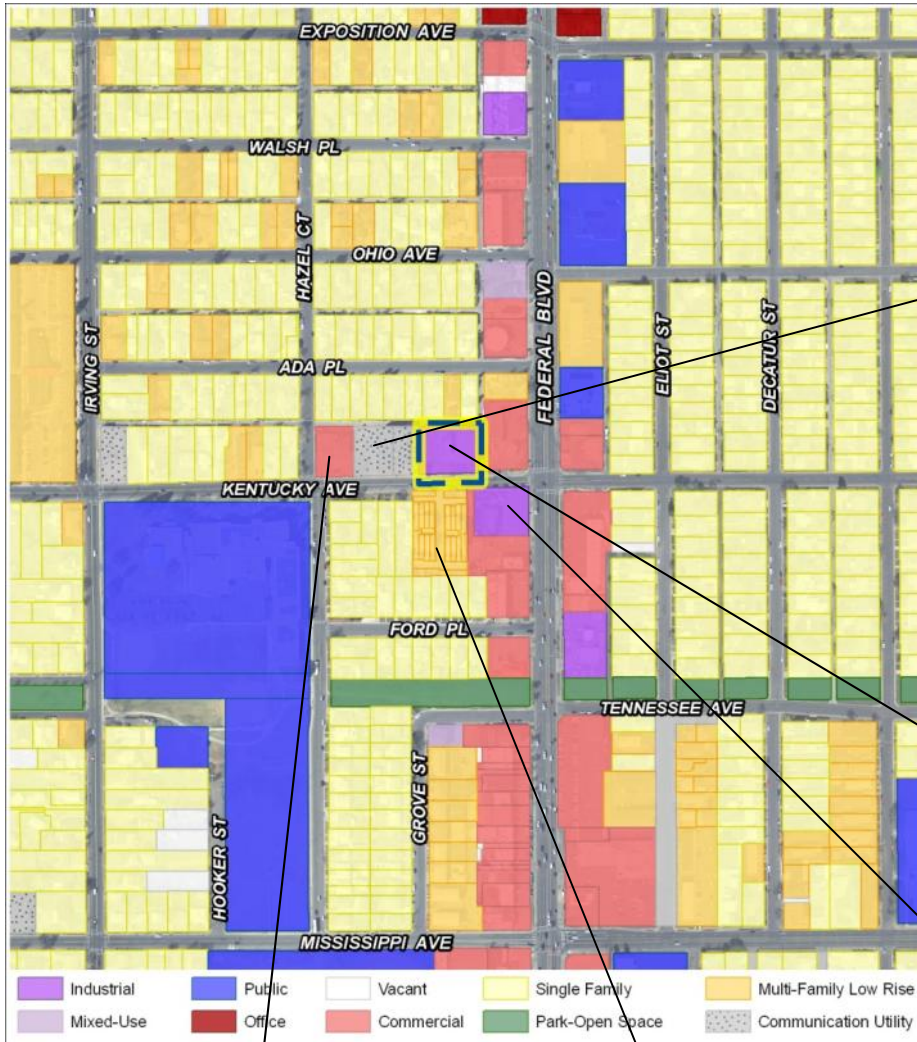
The proposed zoning is E-MX-3:

- Uses: Allows a mix of uses, with certain uses allowed that are not allowed in E-MX-2 (e.g. Lodging Accommodations)
- Height: Maximum height of 3 stories and 45’.
- Same form standards as E-MX-2 (see above)
- Additionally, E-MX-3 has standards for height transitions and setback transitions when adjacent to a Protected District, as is the condition to the North (E-SU-D1x).





## 2. Existing Land Use Map and Building Form and Scale



## 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:** Approve – No comments

**Denver Fire Department:** Approve Rezoning Only

**Public Works – City Surveyor:** Approve – No comments

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on May 31, 2013.
- Planning Board
  - Planning Board recommended approval of the rezoning following a hearing on July 17, 2013.
- LUTI
  - The rezoning application is now being referred to the Land Use, Transportation and Infrastructure Committee of the City Council for review at a public meeting.
- City Council
  - Following LUTI committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- Public Input Received
  - Westwood Residents Association – Opposed

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, 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

### **DZC Section 12.4.10.14**

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 2000
- Blueprint Denver (2002)
- Westwood Neighborhood Plan (1986)

### **Denver Comprehensive Plan 2000**

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

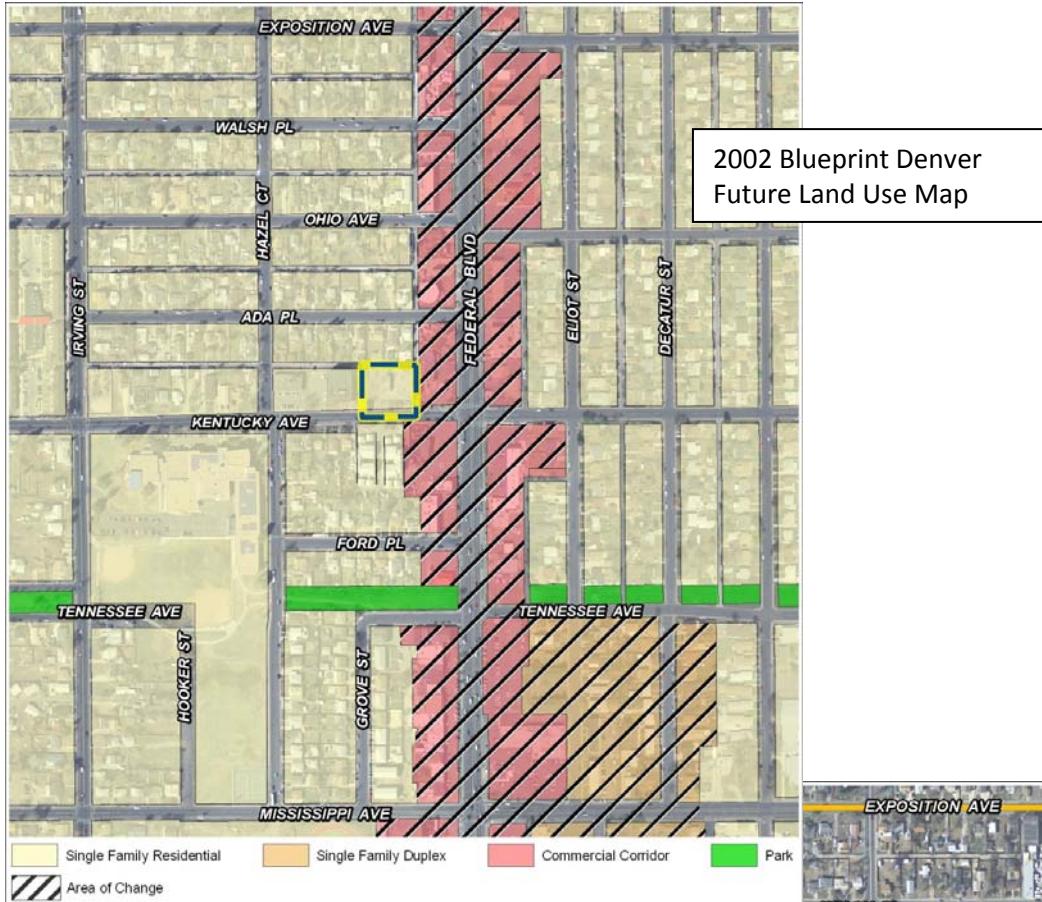
- Environmental Sustainability 2-E—*Conserve raw materials by promoting efforts to adapt existing buildings for new uses rather than destroying them.*
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Housing Objective 1: *Ensure that City policies and procedures promote housing development and do not add unnecessary costs.*
- Housing Objective 2: *Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development.*

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The E-MX -3 rezoning is consistent with these plan recommendations.



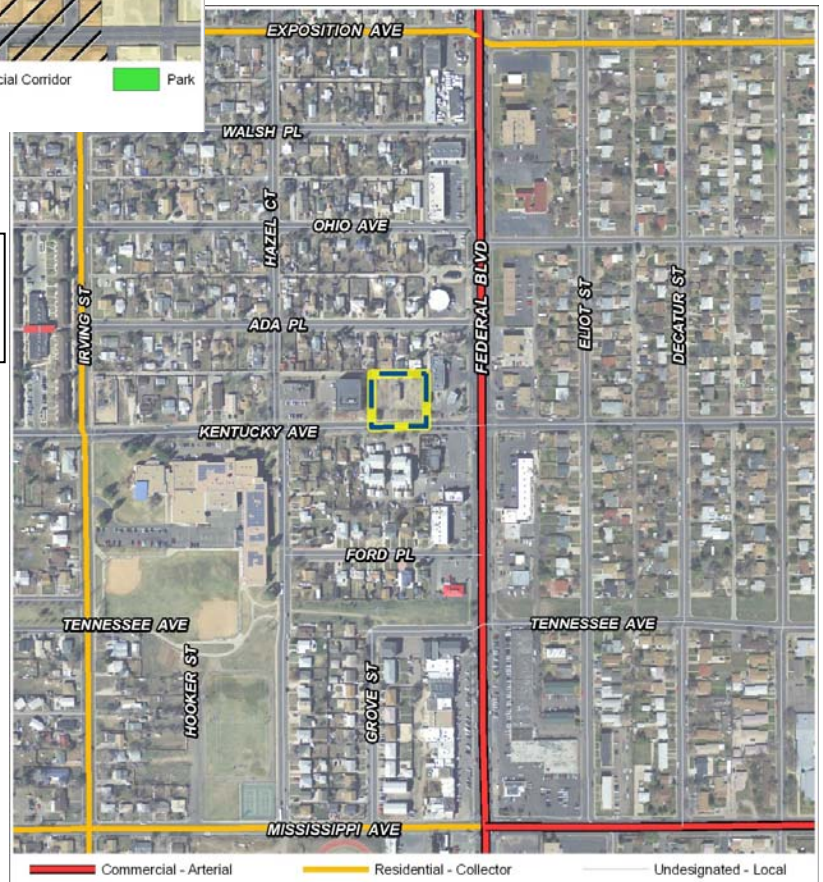
### Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.



2002 Blueprint Denver Future Land Use Map

2002 Blueprint Denver Future Street Classification Map



The proposed rezoning is consistent with the Land Use and Mobility recommendations in Blueprint Denver:

- The Single Family Residential land use classification is designated where the majority of the area is single family residential with an employment base that is significantly smaller than the housing base.
- The goal of Areas of Stability is to maintain the character yet accommodate some new development to prevent stagnation. "Within Areas of Stability there may be places such as stagnant commercial centers where reinvestment would be desirable to make the area an asset to and supportive of the surrounding neighborhood." (p. 23)
- Kentucky Ave is an undesignated local street. "...local streets are influenced less by traffic volumes and are tailored more to providing local access." The site is near the intersection of Kentucky and Federal Blvd. Federal Blvd is a Commercial – Arterial and an enhanced transit corridor.

### **Westwood Small Area Plan**

The proposed rezoning is consistent with the area plan. The plan recommends the following for land use and zoning:

- Goal #2: "encourage any further business development to occur within areas already zoned for the appropriate business uses"
- Goal #4: "...stabilize or upgrade the present housing stock."
- Goal #6: "upgrade and promote existing and new neighborhood business zones"
- Goal #9: "...develop an infill housing program in order to develop new low density housing."
- Goal #10: "provide a stable neighborhood setting through the maintenance and provision of neighborhood amenities"

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to E-MX-3 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 primarily through implementation of the City's adopted land use plan.

## **4. Justifying Circumstance**

The application is measured against Denver Zoning Code Section 12.4.10.14.A.4 which provides a justification statement which says 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 change or changing condition is associated with recommendations from adopted plans: Comprehensive Plan 2000, Blueprint Denver and the Westwood Small Area Plan (1986).



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

The requested E-MX-3 zone district is within the Urban Edge Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential and embedded commercial areas. Urban Edge Mixed Use Zone Districts are intended to promote safe, active and diverse areas. Specifically, E-MX-3 is intended for areas served primarily by collector and arterial streets. The intersection nearest to the site is Federal Blvd – an arterial and identified as enhanced transit corridor in Blueprint Denver. The proposed rezoning to E-MX-3 is consistent with the neighborhood context description.

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3057 W. Kentucky Ave to the E-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends *approval*.

### Attachments

1. Application
2. Westwood Residents Association letter