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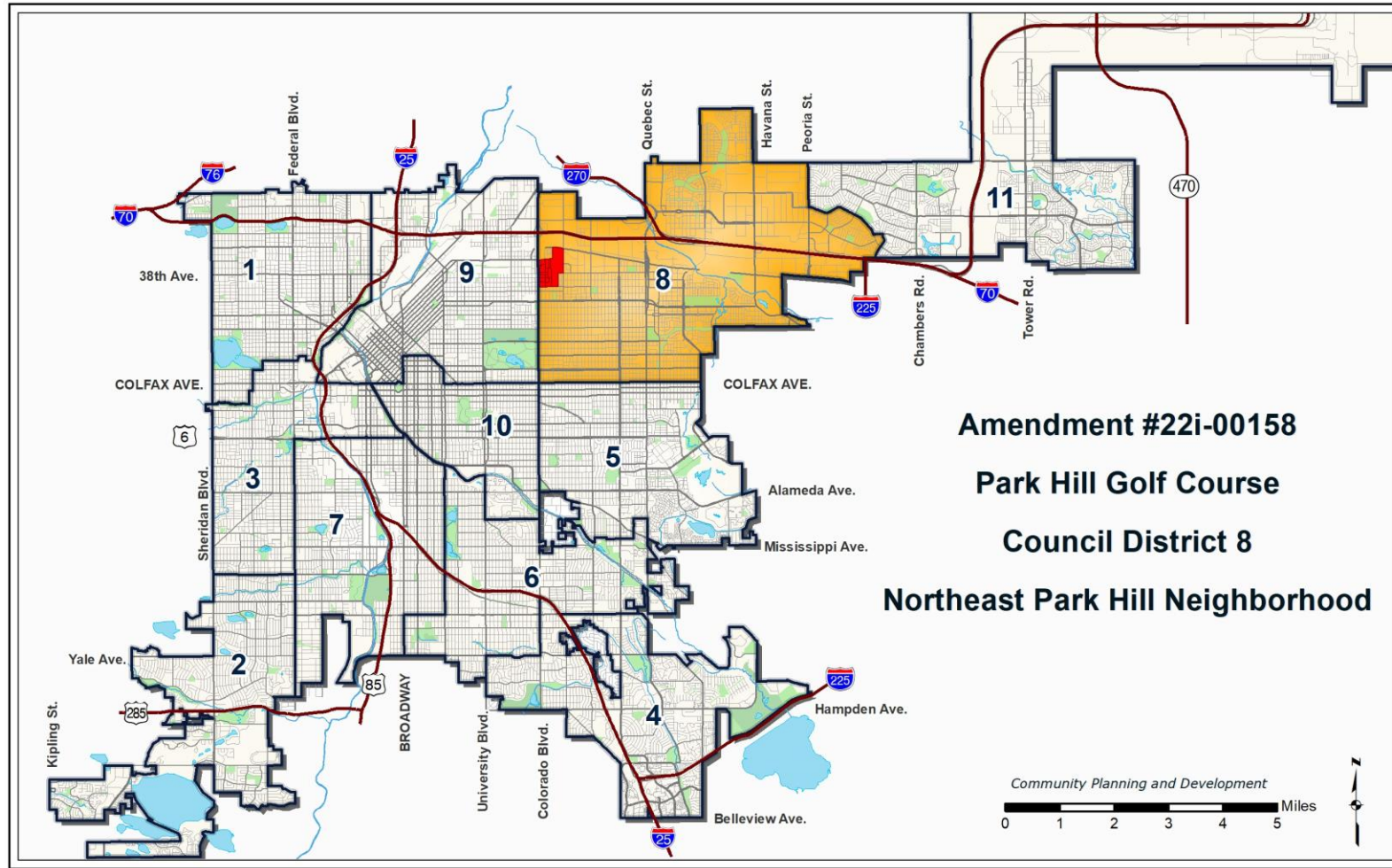
# 4141 E. 35<sup>th</sup> Ave.

2022I-00158

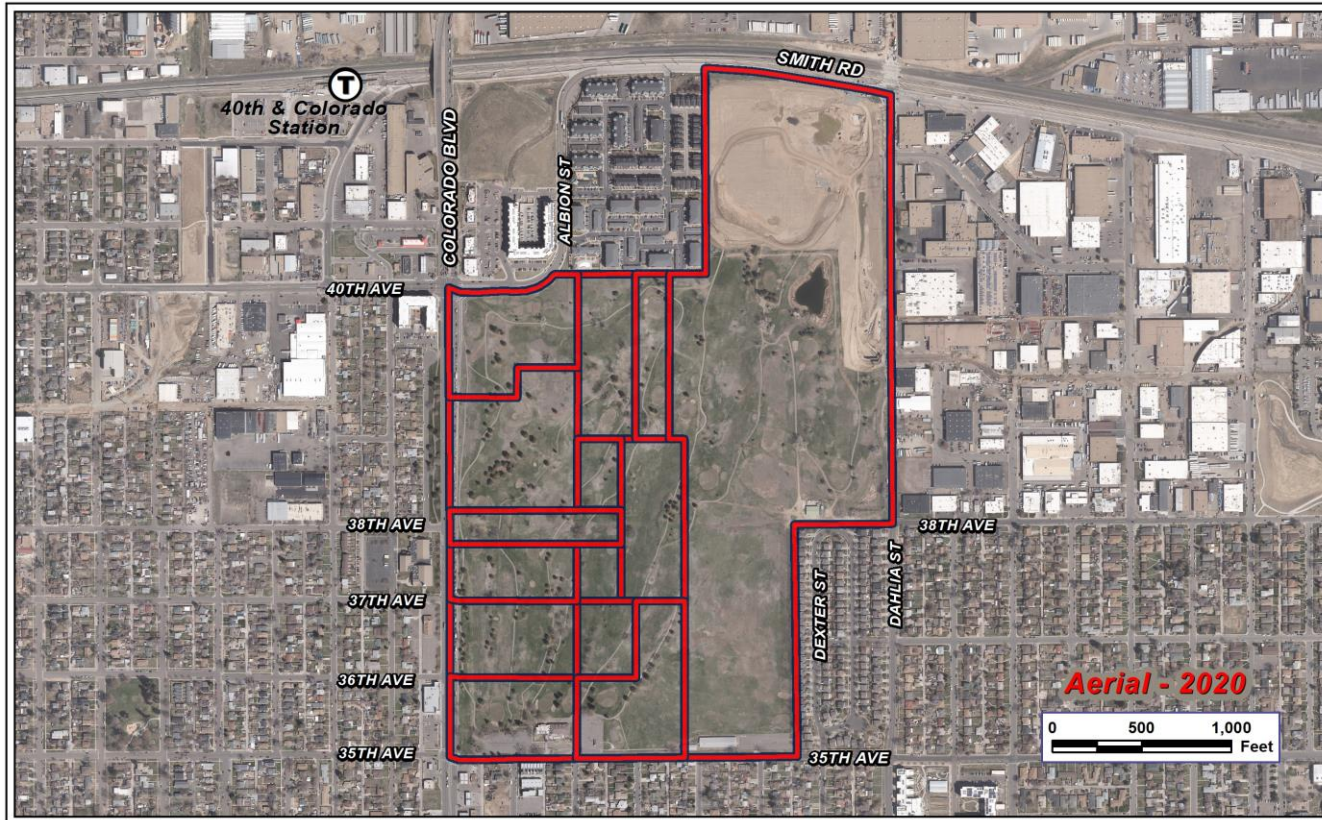
Request: OS-B to OS-A, C-MS-5 w/DO-8, C-MX-12, C-MX-8, C-MX-5,  
C-MX-5 w/waivers, G-RX-5, G-RX-5 w/waivers

City Council: 1/23/2022

# Council District 8: Chris Herndon



# Request: OS-A, C-MS-5 w/DO-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/waivers, G-RX-5, G-RX-5 w/waivers



- **Location**
  - Approx. 155 acres
  - Private open space, former golf course
- **Request**
  - Rezoning from OS-B to OS-A, C-MS-5 DO-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/waivers, G-RX-5, G-RX-5 w/waivers
- **Proposal**
  - Public park and open space
  - Mixed-use development with varying heights from 4-12 stories
  - Residential and commercial uses

# Request: OS-A, C-MS-5 w/DO-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/waivers, G-RX-5, G-RX-5 w/waivers



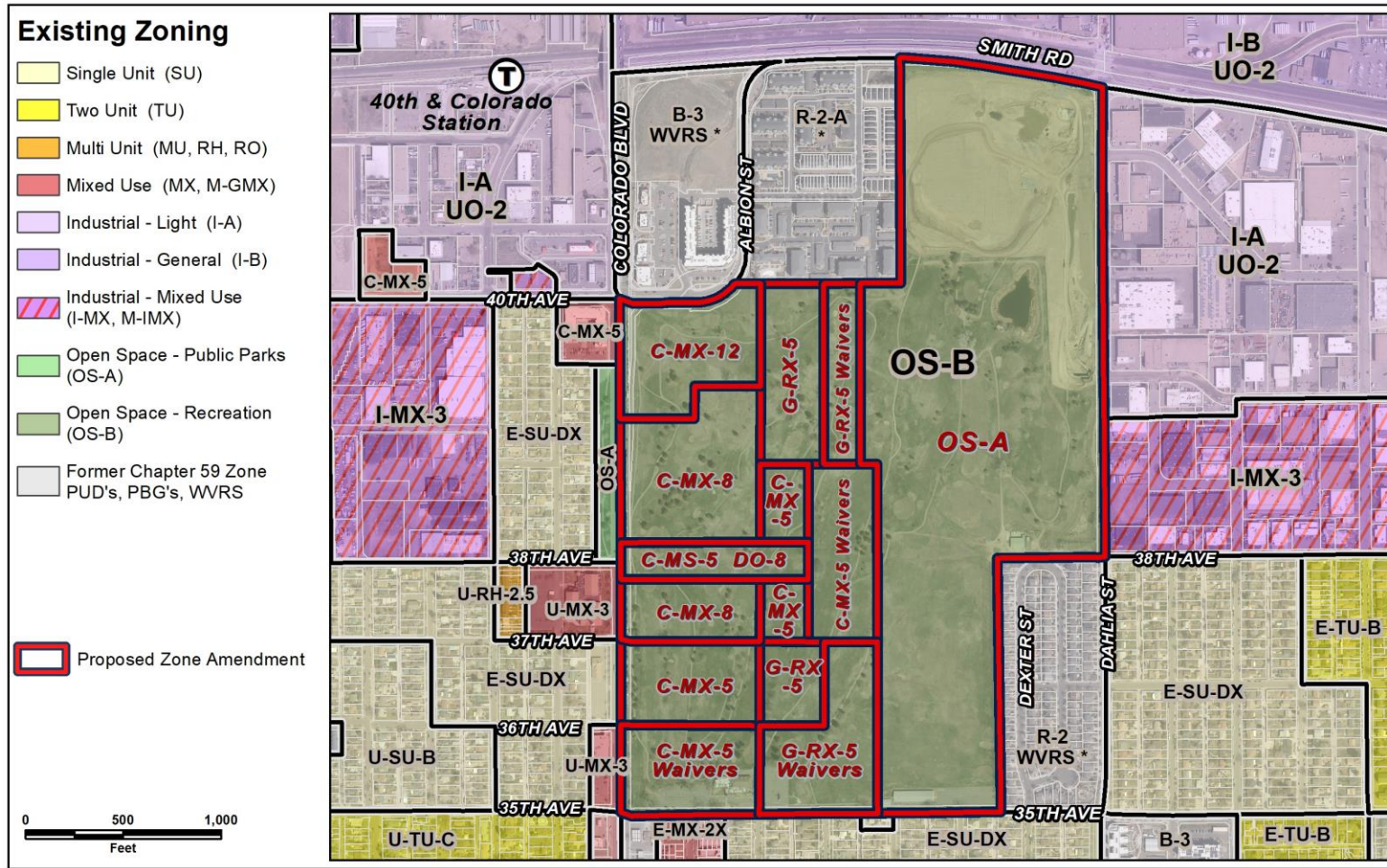
- **Location**
  - Approx. 155 acres
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  - Rezoning from OS-B to OS-A, C-MS-5 DO-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/waivers, G-RX-5, G-RX-5 w/waivers
- **Proposal**
  - Public park and open space
  - Mixed-use development with varying heights from 4-12 stories
  - Residential and commercial uses

# Request: C-MX-5 w/waiver and G-RX-5 w/waiver

## Waivers

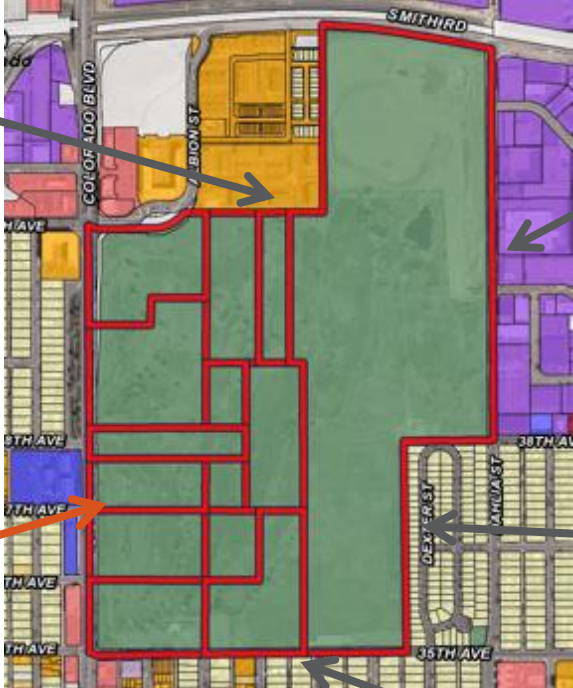
- Waives maximum permitted building height of 5 stories or 7 stories with incentives
- Waives maximum permitted building height of 70 feet or 95 feet with incentives
- **INSTEAD:** Allows a maximum height of 4 stories or 55 feet and waives the right to use maximum height with incentives

# Existing Zoning



- Current Zoning: OS-B  
— Private park and open space

# Existing Building Form/Scale



Subject Property

# Large Development Review

- LDR was determined to be applicable
  - Circumstances warranted a master framework process
  - Land use, open space, housing and infrastructure could not be resolved through other regulatory processes
  - Land is subject to a conservation easement
- Proposed Large Development Framework includes
  - Small area planning process
  - Rezoning
  - Infrastructure master plan
  - Subdivision
  - Development agreement



# Process

- Informational Notice: 8/5/2022
- Planning Board Notice: 10/4/2022
- Planning Board Public Hearing (unanimously recommended approval): 10/19/2022
- Land Use, Transportation, and Infrastructure Committee: 12/13/2022
- City Council Public Hearing: 1/23/2023

# Public Comment

- Boards of Overlook at Park Hill Homeowners Association, Inc. and Greater Park Hill Community, Inc. submitted resolutions opposing the rezoning
- Winston Downs Community Association (Washington Virginia Village neighborhood) concerned with additional structures, heat islands, and traffic in an area that needs more open space
- Clayton United submitted an RNO position statement in support of rezoning
- Over 430 comments received
  - Those in support cited need for more amenities, affordable housing, and public park space
  - Those opposed expressed concerns with reviewing rezoning while conservation easement remains in place
  - Many want entire property to remain open space
  - Concerns with additional density and traffic
- Protest Petition submitted but was deemed invalid

# Review Criteria

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver: A Land Use and Transportation Plan*
- *Game Plan for a Healthy City*
- *Park Hill Golf Course Small Area Plan*

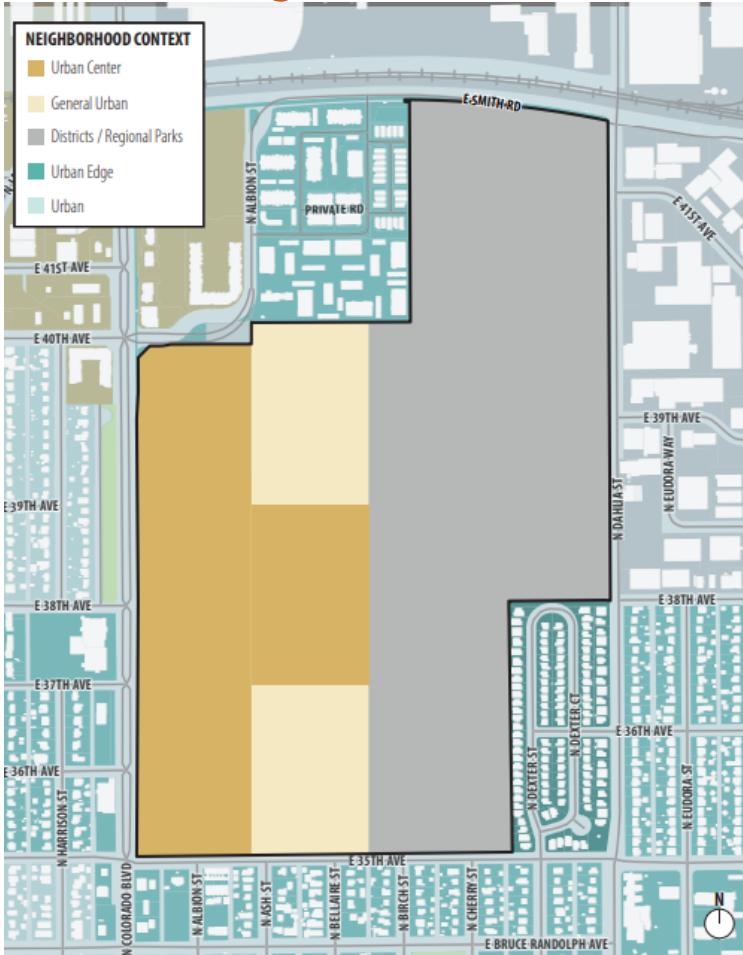
### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

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

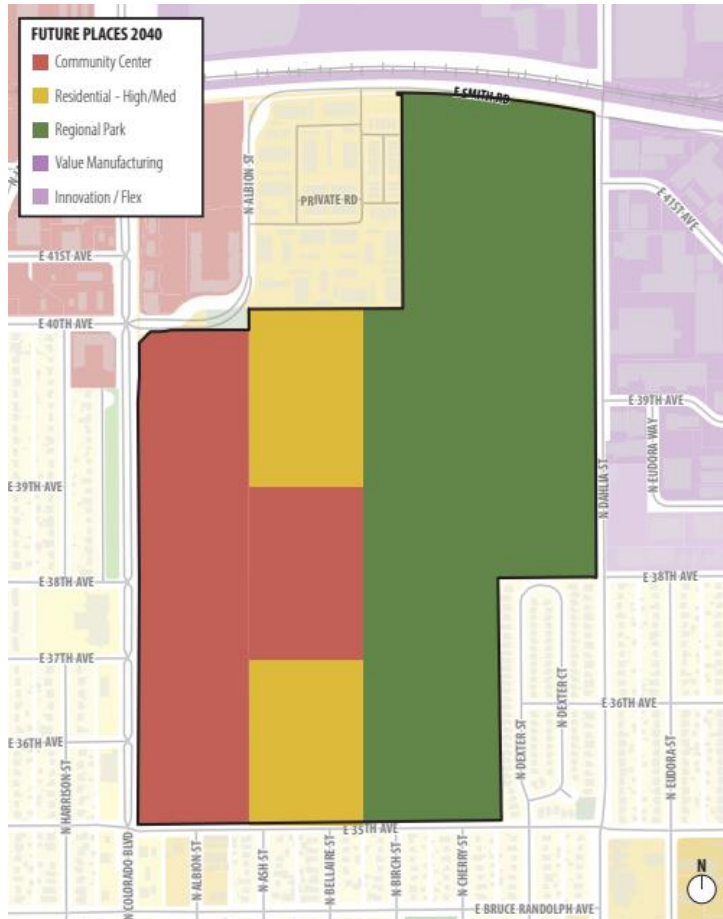
# Consistency with Adopted Plans: Blueprint Denver



## Contexts

- Urban Center
- General Urban
- Districts

# Consistency with Adopted Plans: Blueprint Denver



## Places

- Community Center
- Residential High-Medium
- Regional Park

# Consistency with Adopted Plans: Blueprint Denver



## Blueprint Denver

### Blueprint Future Street Type

- Commercial Arterial
- Commercial Collector
- Downtown Arterial
- Downtown Collector
- Industrial Arterial
- Industrial Collector
- Main Street Arterial
- Main Street Collector
- Mixed Use Arterial
- Mixed Use Collector
- Residential Arterial
- Residential Collector
- Local or Undesignated

## Future Street Types

- Colorado Blvd: Mixed Use Arterial
- Smith Rd: Industrial Arterial
- 35<sup>th</sup> Ave: Residential Collector
- Albion St: Residential Collector
- 40<sup>th</sup> Ave, Dahlia St, and Albion/Ash connection: Mixed Use Collector

# Consistency with Adopted Plans: Blueprint Denver



- **Blueprint Growth Areas**
- Regional centers
- Community centers and corridors
- High and high-med residential areas in D and UC contexts
- Greenfield residential areas
- Districts
- All other areas of the city

- **Growth Areas Strategy:**
  - Community centers and corridors
  - All other areas of the city
  - Districts

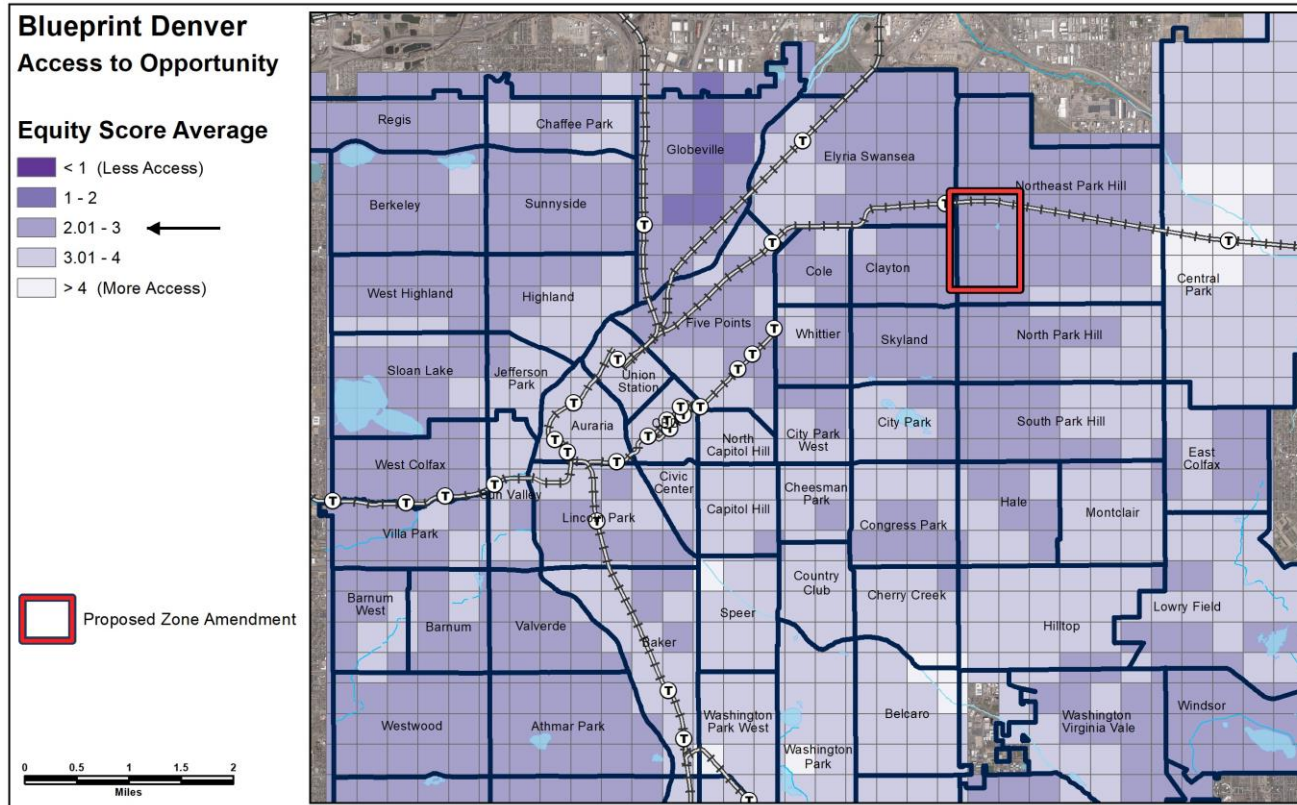


# Consistency with Adopted Plans: Blueprint Denver

**Land Use & Built Form, General Policy 3: Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.**

Strategy B: Limit the use of site-specific, customized zoning tools – such as Planned Unit Developments (PUDs) and waivers/conditions – to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area (p. 73).

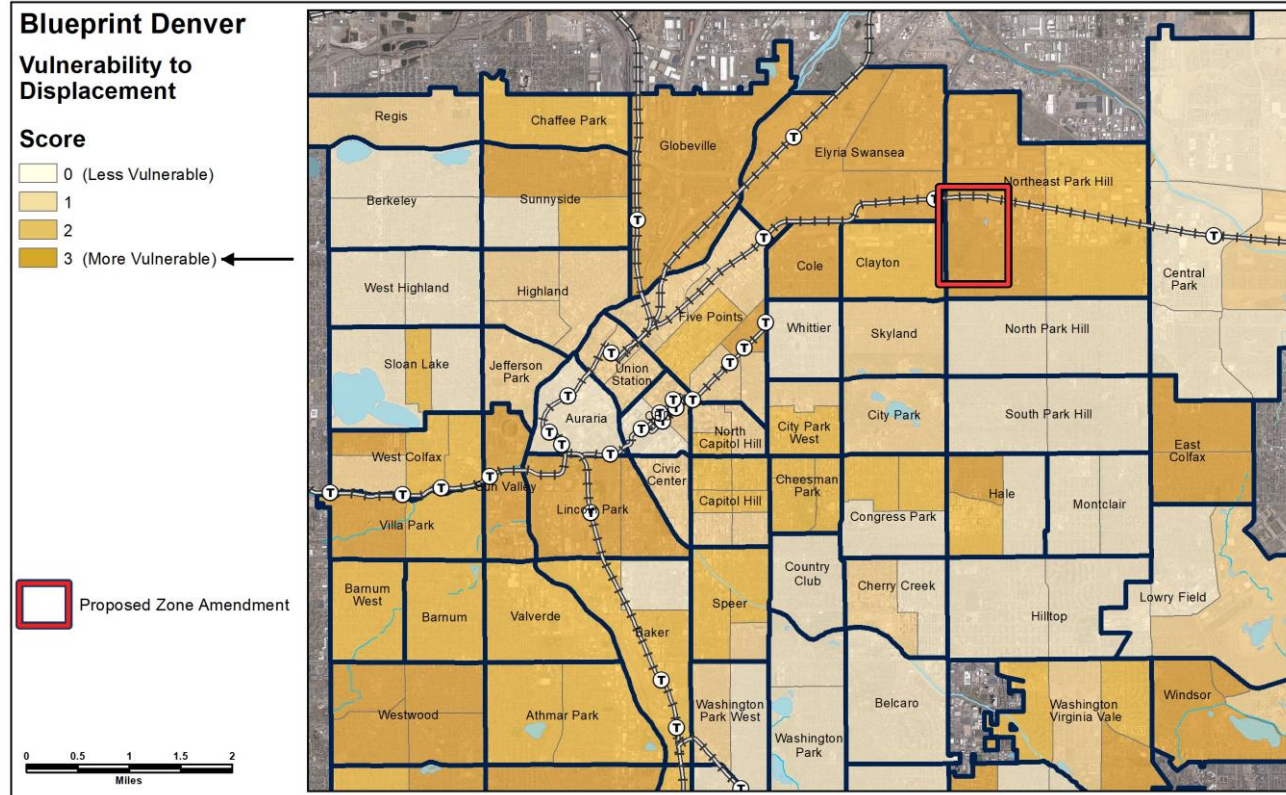
# Consistency with Adopted Plans: Blueprint Denver



## Access to Opportunity

- Average Access
  - Low access to grocery stores and centers and corridors
  - Less equitable in childhood obesity and life expectancy
- Proposed rezoning will enable a mixed-use development bringing more amenities to the area
- Development agreement includes provisions for affordable housing and 100 acres of publicly accessible park/open space

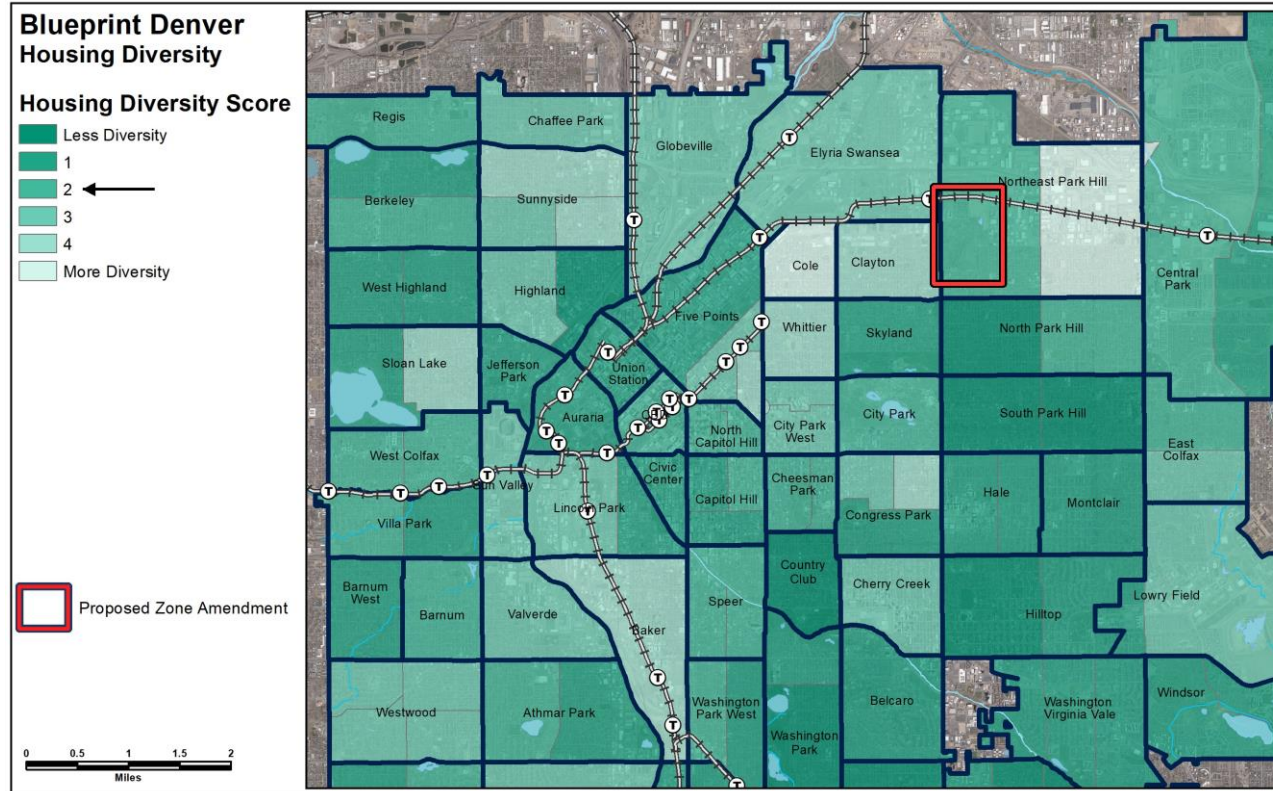
# Consistency with Adopted Plans: Blueprint Denver



## Vulnerability to Involuntary Displacement

- More vulnerable, based on all three metrics:
  - Educational attainment
  - Median household income
  - Percent renter-occupied
- Applicant is developing a high impact affordable housing compliance plan
  - 25% of total units as income restricted units (IRUs)
  - IRUs include rental units at lower AMI levels, including 30%
  - IRUs also include for sale units with two to three bedrooms

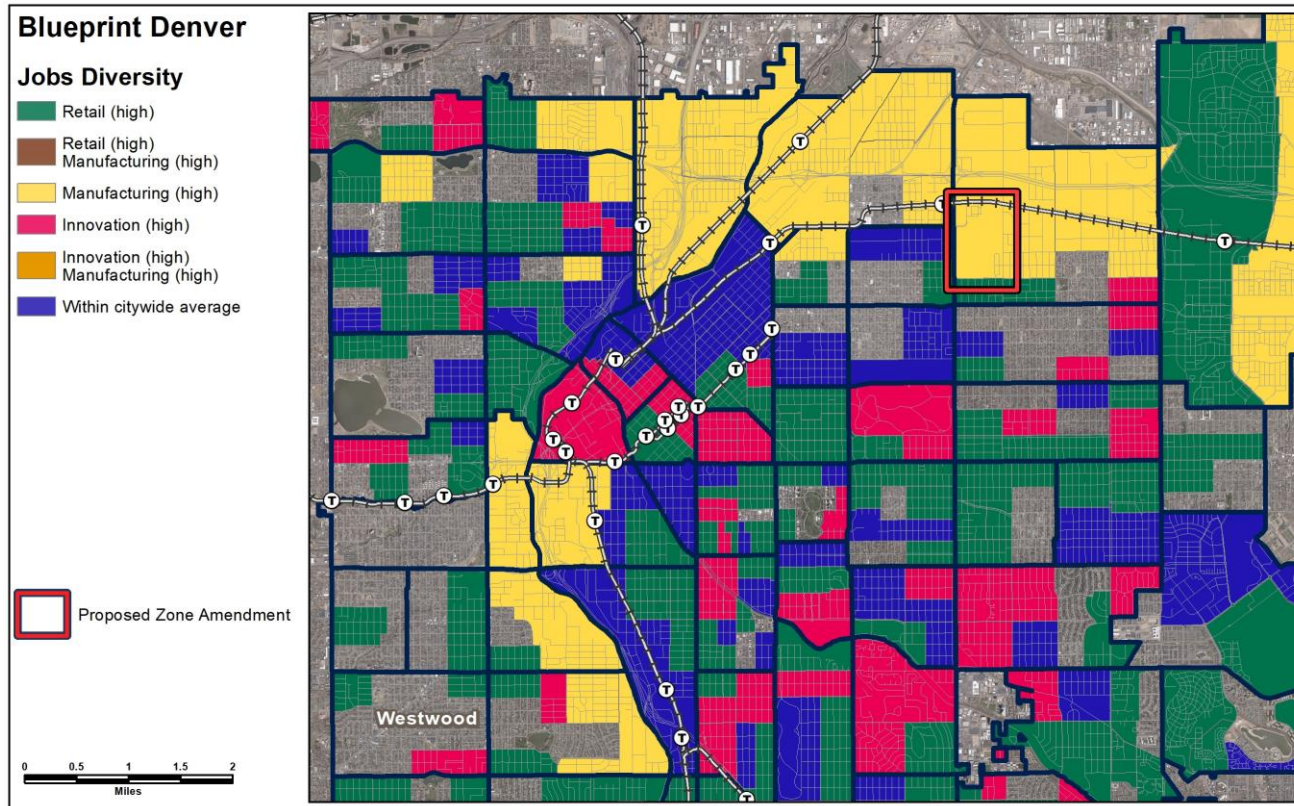
# Consistency with Adopted Plans: Blueprint Denver



## Housing Diversity

- Below average diversity based on three of five metrics:
  - Housing costs
  - Mix of rented and owned homes
  - Bedroom counts in homes
- Proposed development agreement includes income restricted units, including for-sale units with two and three bedrooms

# Consistency with Adopted Plans: Blueprint Denver



## Jobs Diversity

- Higher proportion of manufacturing jobs
- Proposed rezoning will allow for various commercial, office, and retail jobs

# Consistency with Adopted Plans: Game Plan

Recommendation 3.1: Acquire land and build facilities to keep pace with growth and meet 10-minute walk standard and service goals

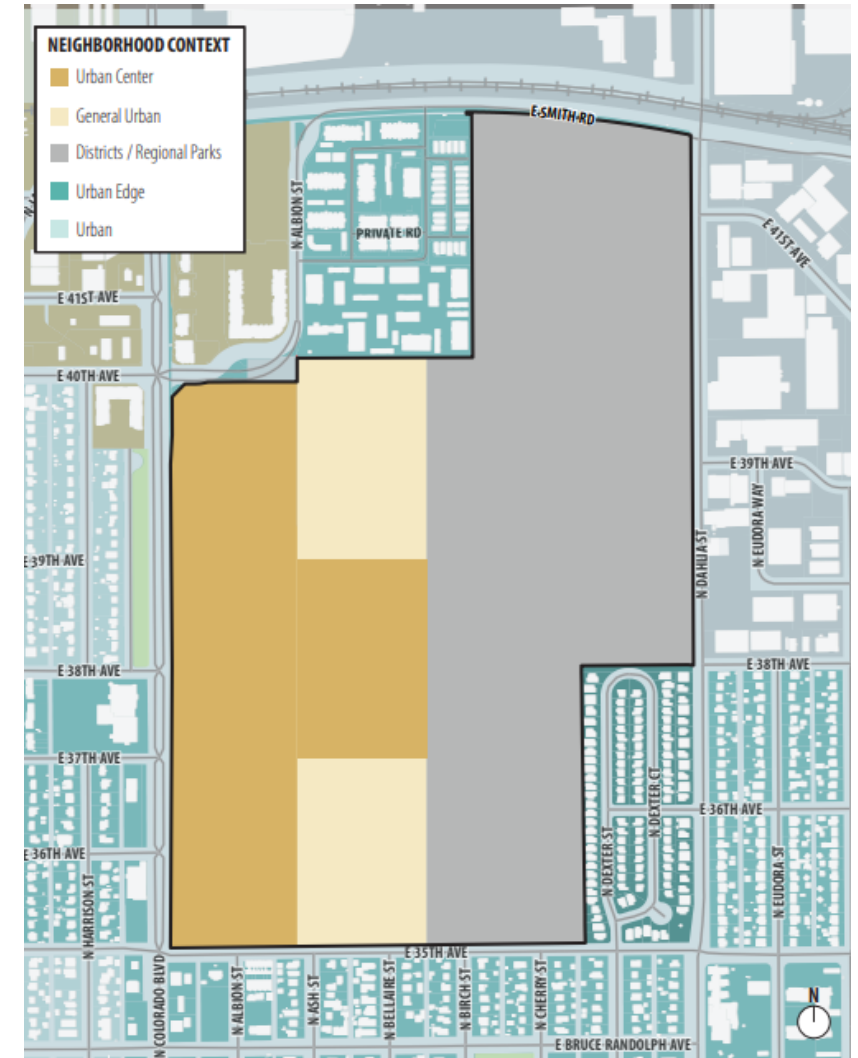
Recommendation 3.5: Ensure a ten-minute walk for park and open space for every neighborhood

# Consistency with Plans: Park Hill Golf Course

## Small Area Plan

### Future Neighborhood Context

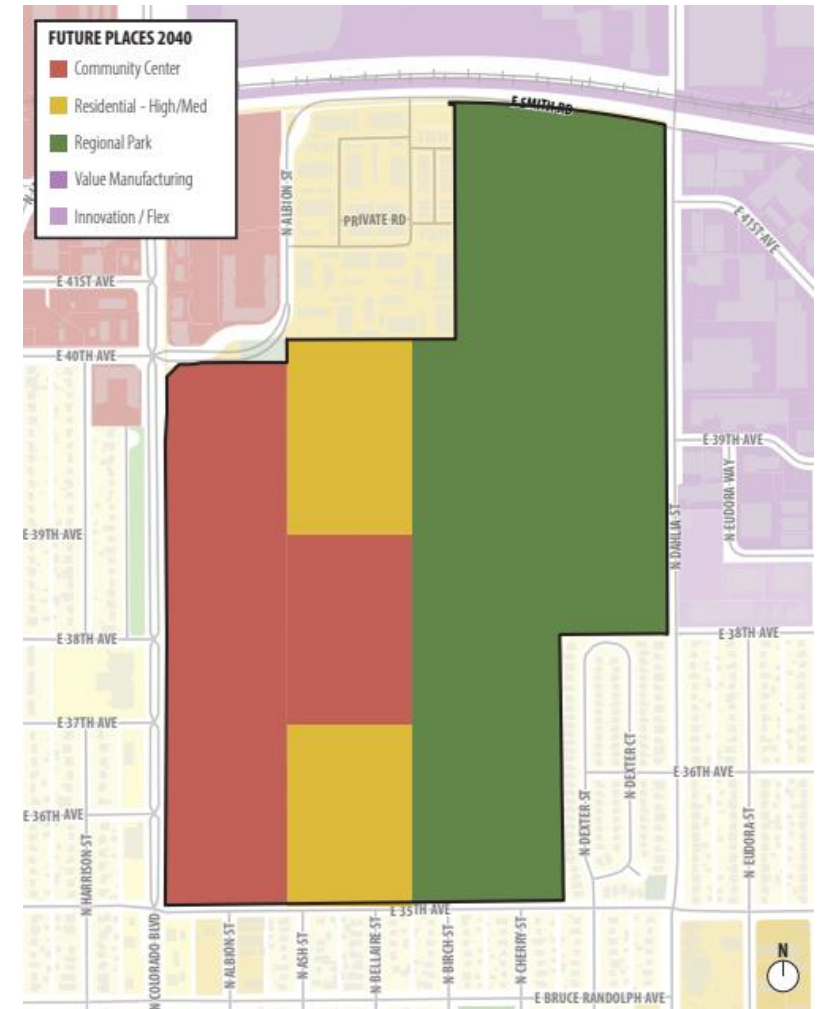
- Urban Center
  - Proposed zoning is C-MS-5 D0-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/waivers
  - High mix of uses where the highest densities are planned
  - Includes multi-story, mixed-use building forms located close to streets
- General Urban
  - Proposed zoning is G-RX-5 and G-RX-5 w/waivers
  - Higher-density development like larger multi-story residential buildings
  - Serves as a transition between Urban Center and District contexts
- Districts/Regional Park
  - Proposed zoning is OS-A – public park/open space
  - Specifically designed purpose, such as regional park



# Consistency with Plans: Park Hill Golf Course Small Area Plan

## Future Places

- Community Center
  - Proposed zoning is C-MS-5 D0-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/waivers
  - Mixed-use place typically oriented around a shared space or set of spaces
  - Good mix of office, commercial and residential uses
- Residential – High/Medium
  - Proposed zoning is G-RX-5 and G-RX-5 w/waivers
  - Predominately multi-unit buildings located closer to centers
  - Focus is residential, but neighborhood-serving uses may be found
- Regional Park
  - Proposed zoning is OS-A – public park/open space
  - Provide large scale public open space, recreation and event locations

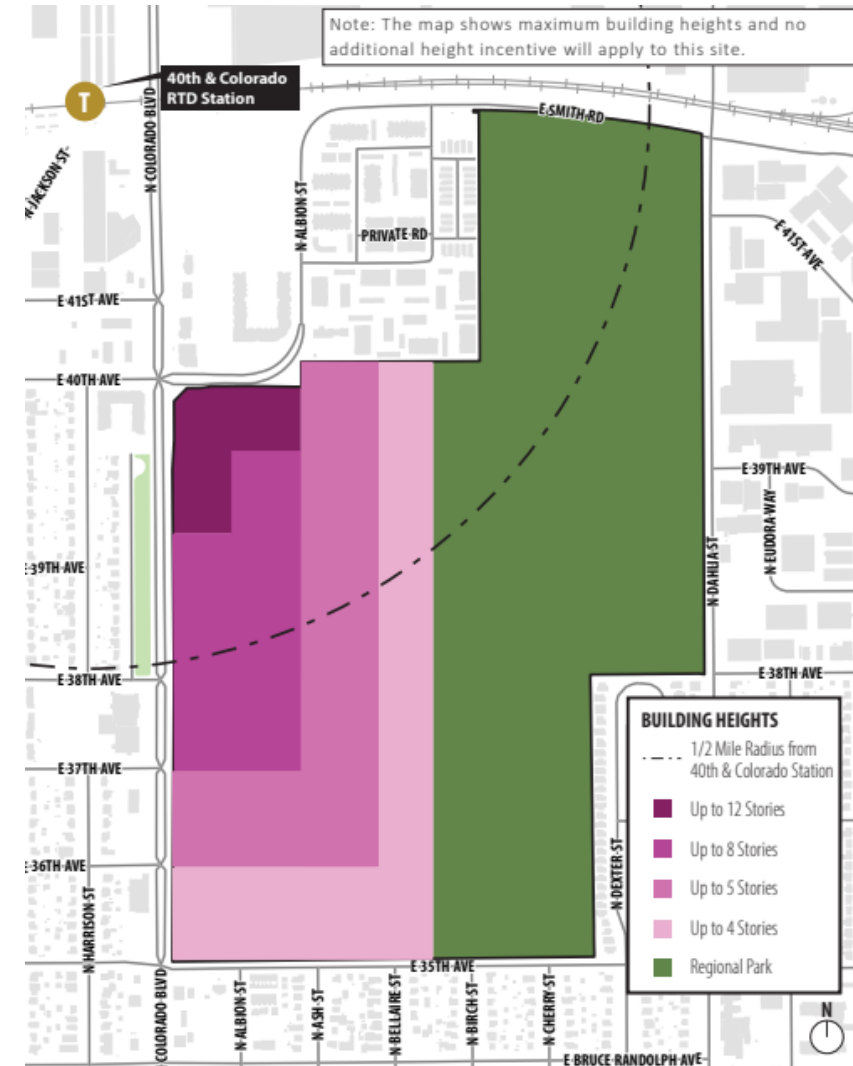




# Consistency with Plans: Park Hill Golf Course Small Area Plan

## Maximum Building Heights

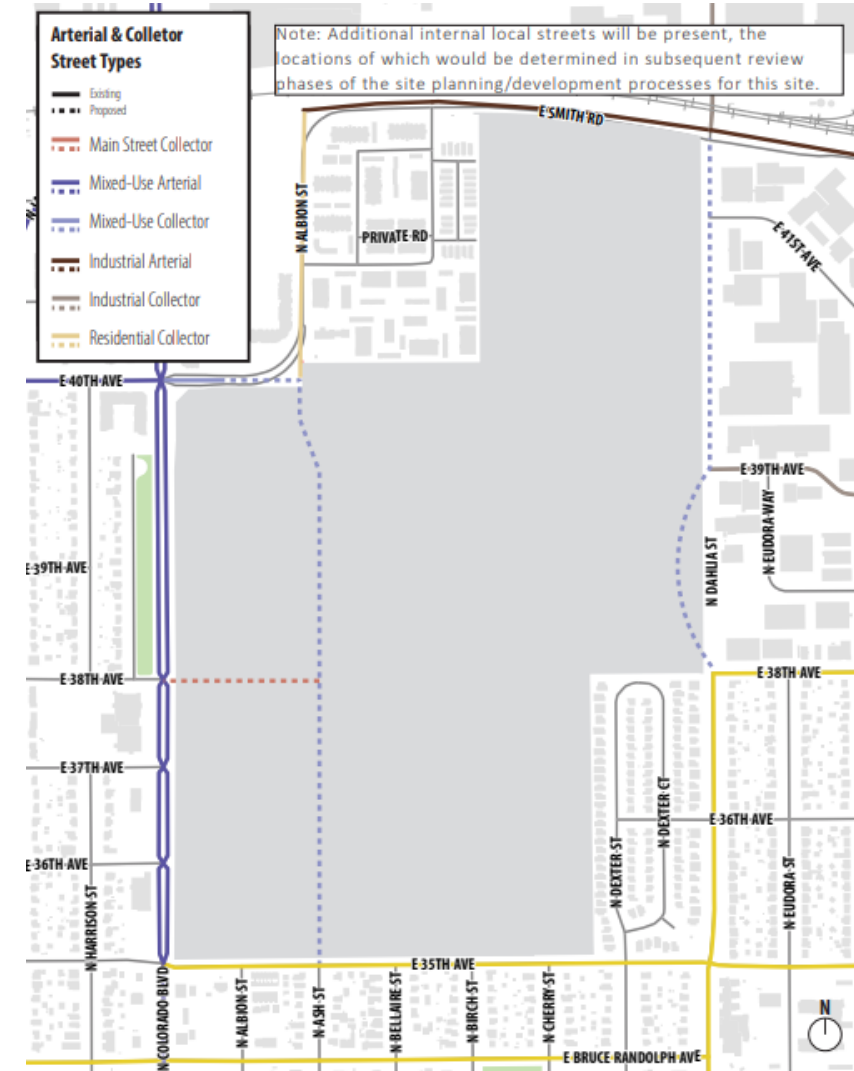
- Up to 12 stories
  - Proposed zoning is C-MX-12
  - Corner of 40<sup>th</sup> and Colorado
- Up to 8 stories
  - Proposed zoning is C-MX-8 and C-MS-5 DO-8
- Up to 5 stories
  - Proposed zoning is C-MX-5 and G-RX-5
- Up to 4 stories
  - Proposed zoning is C-MX 5 w/waivers and G-RX-5 w/waivers
  - Waivers allow a maximum of 4 stories in height
- No additional incentive height will apply to subject property



# Consistency with Plans: Park Hill Golf Course Small Area Plan

## Future Street Types

- Colorado Blvd: Mixed Use Arterial
- E. 35<sup>th</sup> Ave. & Albion St: Residential Collector
- E. 40<sup>th</sup> Ave. & Dahlia St: Mixed Use Collector
- New Connection between Ash and Albion: Mixed Use Collector
- E 38<sup>th</sup> Ave Connection: Main Street Collector



# Consistency with Plans: Park Hill Golf Small Area Plan

## Policy Recommendations

The proposed OS-A district will facilitate the creation of a new park:

- Quality of Life, Strategy 1.A: Establish 70-80 acres of contiguous park space that can support a spectrum of recreational activities and serve as a place of connection for the surrounding neighborhoods

The proposed C-MX-12, C-MX-8, C-MS-5 DO-8, C-MX-5, C-MX-5 w/waivers allow for the height of the site to transition from the northwest corner to the east and south:

- Land Use, Strategy 2.A: Transition building height and intensity from highest in the northwest of the site, closest to 40<sup>th</sup> and Colorado rail station, to lowest at the south and east, closest to existing neighborhoods and future regional park.

# Consistency with Plans: Park Hill Golf Course

## Small Area Plan

### Policy Recommendations

The proposed C-MS-5 w/DO-8 includes a design overlay that would allow a pedestrian-oriented, active main street with enhanced design standards:

- Design Strategy 3.A: Promote design of a future neighborhood main street that encourages an enjoyable experience through engaging and active uses, such as shops and restaurants located at the street level adjacent to sidewalks and open spaces.
- Design Strategy 3.B: Ensure main street building designs have a strong connection between sidewalks, open spaces, and building activities, which could include design elements such as window and specific first-floor building heights to create engaging storefronts.
- Design Strategy 3.C: Encourage the application of a custom zoning tool like a design overlay to promote an active mix of uses at the street level.

# Consistency with Plans: Park Hill Golf Course Small Area Plan

## Policy Recommendations

The proposed C-MS-5 w/DO-8, C-MX-5 w/waivers, and G-RX-5 w/waivers uses customized zoning for a design overlay and waivers to achieve a maximum building height of 4 stories:

- Design 4.B: Consider additional regulatory tools to promote specific design outcomes such as buildings designed to incorporate variation in height/scale, open-up views from the regional park or integrate an active and engaging street frontage. Potential regulatory tools could include:
  - Customized zoning solutions such as a design overlay to achieve street level activation.
  - Customized zoning solutions such as waivers to achieve maximum height recommendations.

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

### 2. Uniformity of District Regulations

- Proposed rezoning will result in uniform application of zone district building form, use and design regulations

### 3. Further Public Health, Safety and Welfare

- Implements the Park Hill Golf Course Small Area Plan
- Facilitate the creation of a new public park, which may lead to better health outcomes
- Mixed-use districts will allow for an increase in employment and housing options

### 4. Justifying Circumstances

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

# Review Criteria

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
  - Changed or Changing Conditions:
    - Park Hill Golf Course Small Area Plan
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent
  - OS-A zone district is intended to
    - Protect and preserve public parks owned, operated, or leased by the city and managed by DPR
  - C-MS-5 w/DO-8
    - Applies primarily to collector or arterial street corridors or may be embedded in larger sites where a building scale of 2-5 stories is desired
    - Encourage neighborhood mixed-use areas that support nonresidential active uses at the street levels, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential dwellings
  - C-MX-12, C-MX-8, C-MX-5, and C-MX-5 w/waivers
    - To enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods
  - G-RX-5 and G-RX-5 w/waivers
    - Applies to residentially dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired



# CPD Recommendation

CPD recommends approval, based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent