



**TO:** Denver Planning Board  
**FROM:** Fran Peñafiel, Senior City Planner  
**DATE:** April 12, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00211  
2042 & 2062 South Bannock St.  
Rezoning from I-A, UO-2 to C-RX-5

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00211.

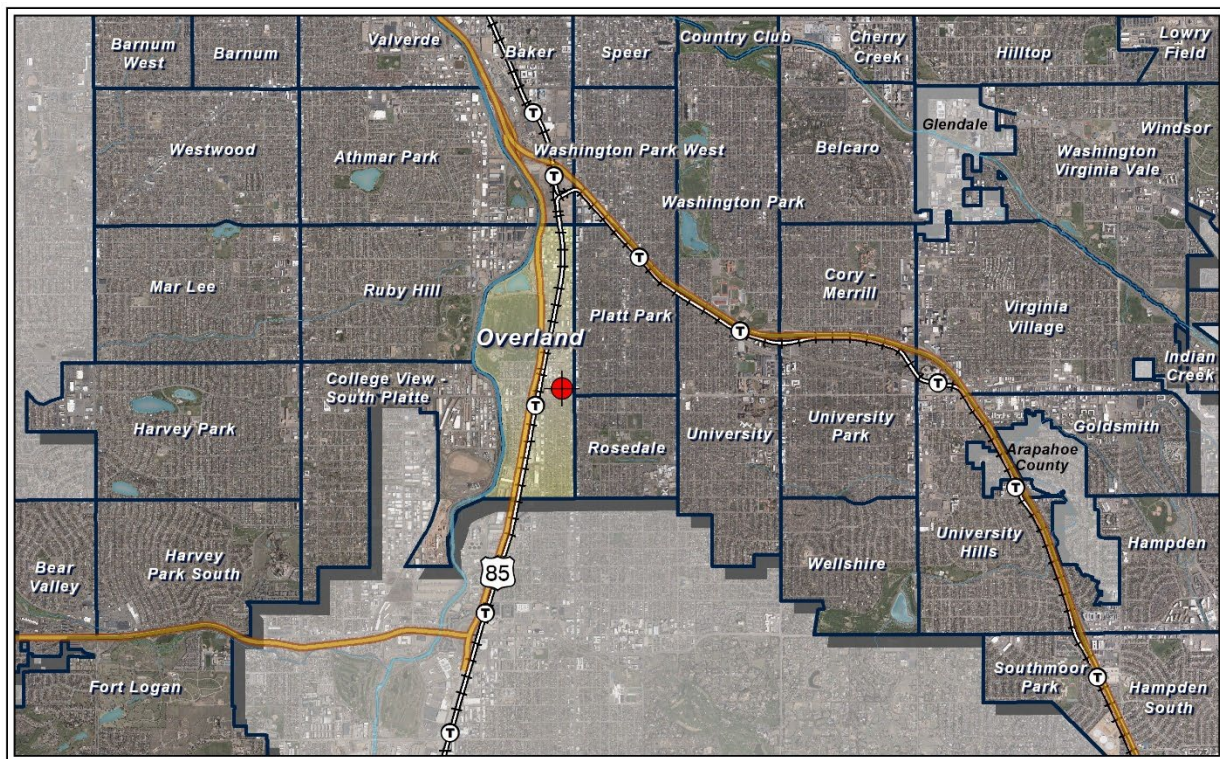
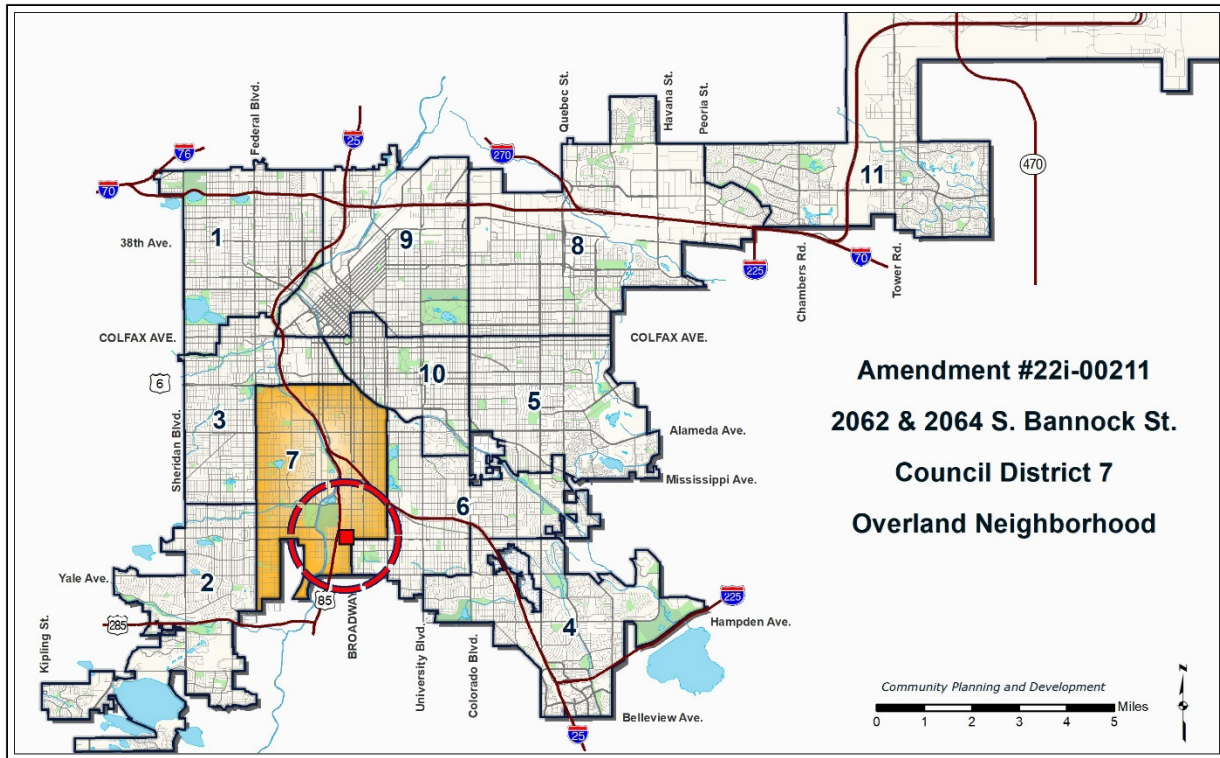
### Request for Rezoning

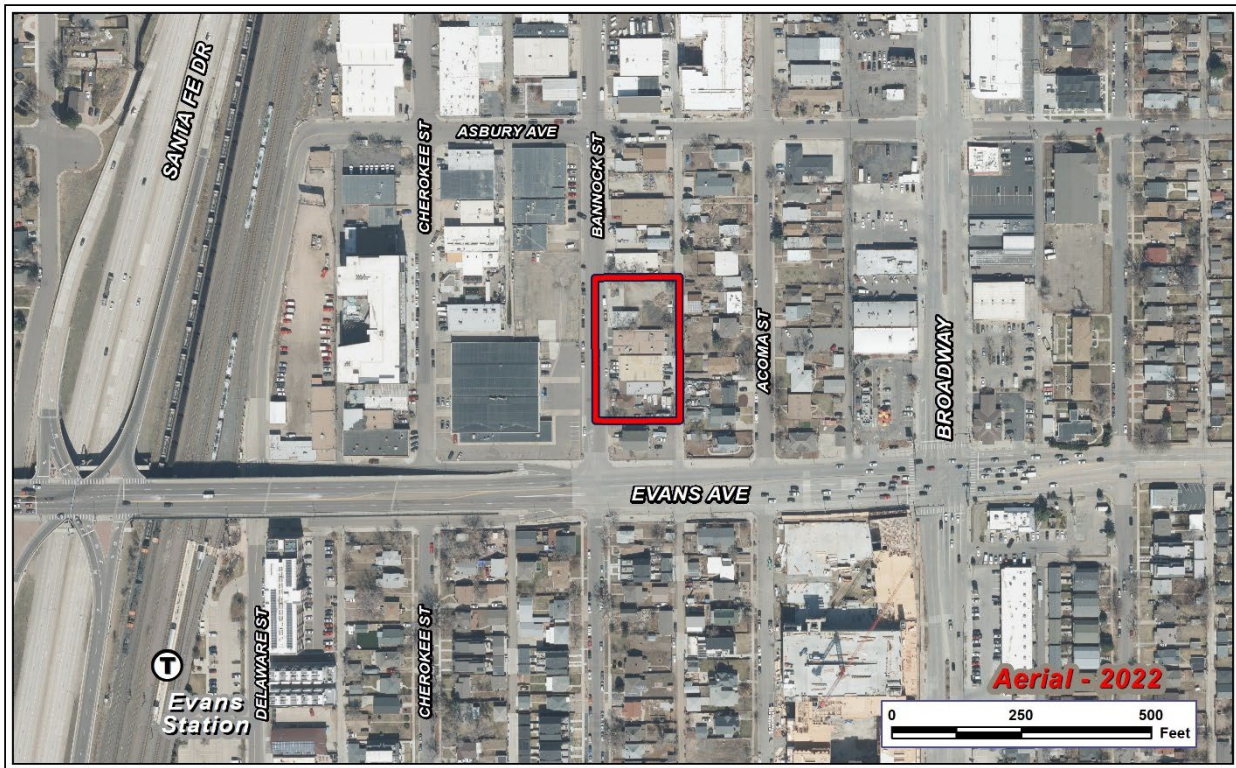
Address: 2042 & 2062 South Bannock Street  
Neighborhood/Council District: Overland / Council District 7  
RNOs: Inter-Neighborhood Cooperation (INC), Overland Park  
Neighborhood Association (OPNA), Strong Denver  
Area of Property: 34,375 square feet or 0.789 acres  
Current Zoning: I-A, UO-2  
Proposed Zoning: C-RX-5  
Property Owner(s): 3 MOD LLC & NORTH AMERICAN NATIONAL RE INSURANCE  
COMPANY  
Owner Representative: Bruce O'Donnell – Starboard Realty Group

### Summary of Rezoning Request

- The subject sites are located in the Overland statistical neighborhood between West Evans Avenue and West Asbury Avenue, along South Bannock Street.
- These two parcels are currently occupied by five one-story industrial and commercial/retail buildings.
- The proposed rezoning will allow for the property owners to redevelop the properties with a mix of residential and commercial uses.
- The requested C-RX-5 district stands for Urban Center Neighborhood Context – Residential Mixed Use – 5 stories maximum, which allows for a mix of uses that promote safe, active, and pedestrian-scaled, diverse areas. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices. Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

### Existing Context



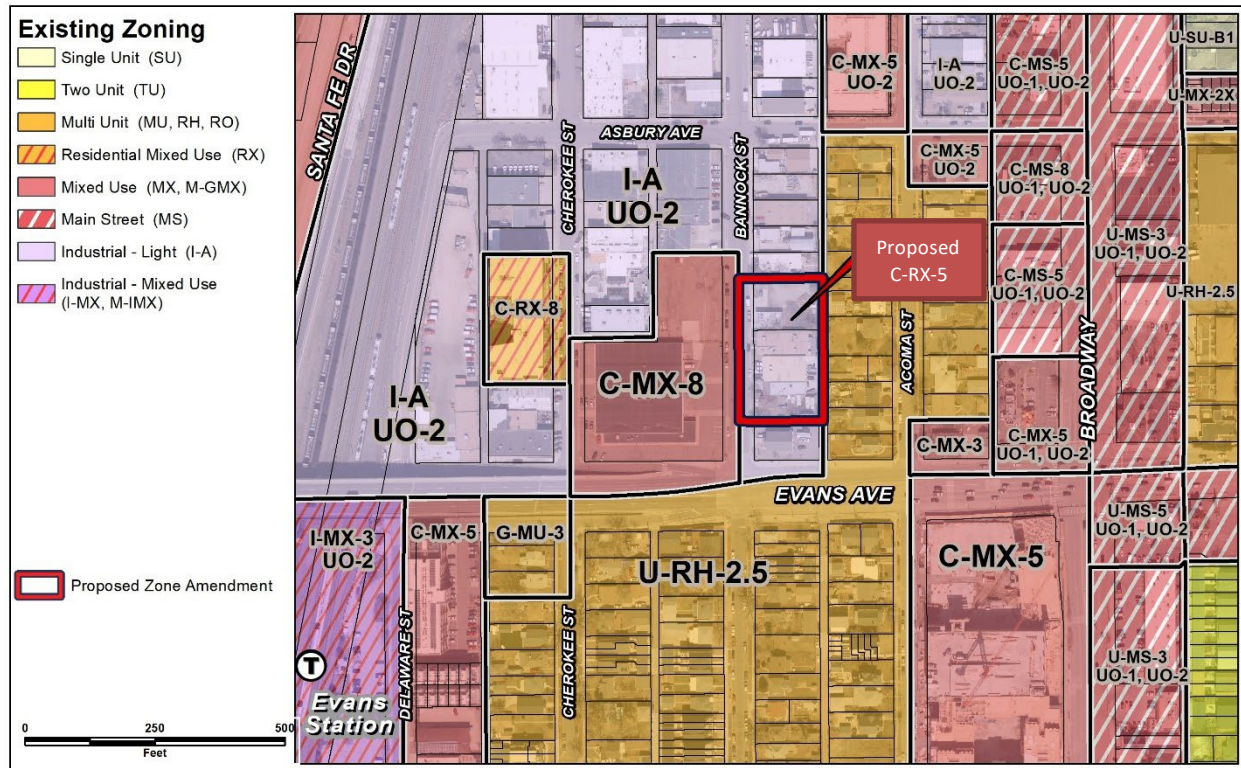


The subject properties are located within the Overland neighborhood, between West Evans Avenue and West Asbury Avenue, along South Bannock Street. The area is characterized by a mix of commercial uses along Broadway, single- and multi-unit residential and industrial uses west of Broadway, and predominantly single-unit residential uses south of Evans Avenue. Significant public and private reinvestment in the station area and along South Broadway (two blocks east of the subject property) in recent years suggest this area is continuing to transition from mostly light industrial to more mixed-use in nature. Union Pacific, Burlington Northern Santa Fe and RTD rail lines are located approximately 400 feet west of the subject site. The subject properties are served by RTD's frequent bus routes 0, 0L and 21 along South Broadway and West Evans Avenue, respectively. The Evans Light Rail Transit (LRT) station platform is located two block west and one-half block south of the subject site.

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  | I-A, UO-2       | Industrial   | 1-story brick structures used for industrial offices and one 1-story house, all without sidewalks | The area is served by the Denver cardinal street grid and block pattern is regular except for the railroad tracks to the west running southwest/northeast. Major street connections are provided to South Broadway, West Evans Avenue and South Santa Fe Drive. |
| North | I-A, UO-2       | Industrial, Commercial/Retail                      | 1-story building without sidewalk   |   |
| South | I-A, UO-2       | Public/Quasi-public (currently used as boxing gym) | 1.5-story building without sidewalk   |   |
| East  | U-RH-2.5        | Single-unit, two-unit, multi-unit Residential      | Low-scale, 1- to 2-story houses with attached sidewalk  |   |
| West  | C-MX-8          | Industrial   | 1-story industrial building with surface parking along the south, west and east frontages         |   |

### 1. Existing Zoning



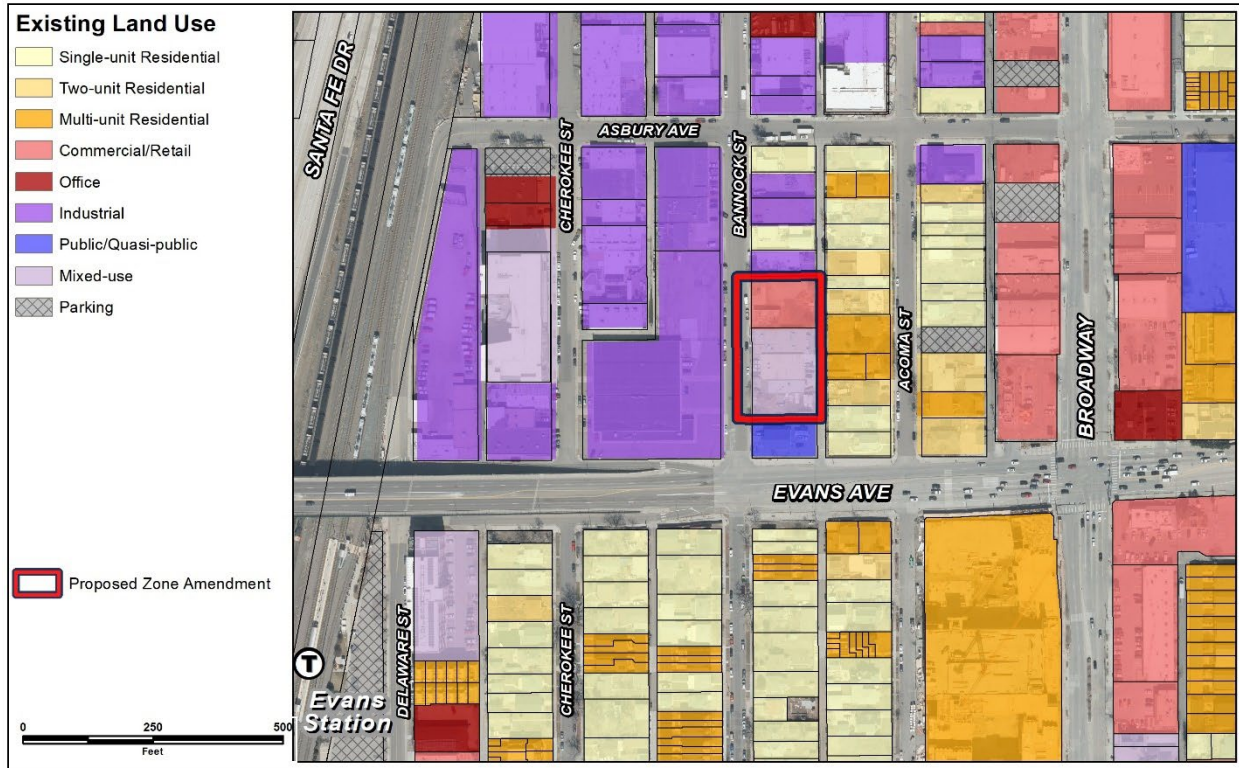
The existing zoning on the subject properties is I-A, UO-2 which is a light industrial district that allows office, business and light industrial uses with the billboard use overlay. Residential uses are only permitted in the light industrial zone where a residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial primary building forms and regulates building mass through a maximum floor area ratio (FAR) of 2:1. This zone district does not specify a maximum building height except for sites within 175 feet of a protected district, in which case the maximum building height is 75 feet. The subject property is within 175 feet of a protected zone district (U-RH-2.5) along South Acoma Street. Building forms in the I-A district do not include a build-to requirement, transparency requirement, or street-level activation standards and surface parking is permitted between the building, primary and side streets.

The UO-2 is the Billboard Use Overlay which allows for “outdoor general advertising device” signs (i.e. billboards) on the zone lot. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.

### 2. View Planes

The subject site is within the Washington Park mountain view plane, which protects views from Washington Park toward the mountains to the west. The view plane limits height on the property to approximately 130 feet, which is above the maximum building height of 70 feet allowed in the C-RX-5 zone district.

### 3. Existing Land Use Map



### 4. Existing Building Form and Scale (all images from Google Maps)



Site – Subject sites from South Bannock Street, looking east



**North** – from South Bannock Street looking northeast



**South** – from South Bannock Street, looking east



**West** – from South Bannock Street, looking west



East – from South Acoma Street, looking northwest

### Proposed Zoning

The applicant is requesting to rezone to C-RX-5, which stands for Urban Center Neighborhood Context – Residential Mixed Use – 5 stories maximum height. C-RX-5 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 5 stories is desired (see DZC 7.2.3.2.A). Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scale shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or commercial; however, buildings containing only commercial uses are limited in gross floor area to 10,000 square feet (DZC 7.2.3.1). Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

The primary building forms allowed and design standards in the existing zone district and the proposed zone district are summarized below.

| Design Standards                         | I-A UO-2   | C-RX-5   |
|--|--|--|
| Primary Building Forms Allowed           | General, Industrial  | Town House; General  |
| Height in Stories / Feet (max)           | No maximum, except within 175' of a Protected District where the maximum height is 75' | 5 stories/70' – Town House Form<br>5 stories/70' – General Form* |
| Primary Street Build-To Percentage (min) | N/A  | 70%  |
| Primary Street Build-To Ranges (min/max) | N/A  | 10'/15'- Town House Form<br>0'/10' – General Form**              |
| Primary Street Setbacks (min)            | 20'  | 10' – Town House Form<br>0' – General Form                       |
| Side Street Setbacks (min)               | 10'  | 7.5' – Town House Form<br>0' – General Form                      |
| Billboards                               | Allowed by UO-2 overlay  | Not allowed  |

\*Additional height is allowed through an incentive for affordable housing but would be limited to 75 feet given the proximity to a Protected District.

\*\*Maximum build-to range is increased to 15' for residential only buildings



## 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:

**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

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) 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. EQ 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. EQ 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 - City Surveyor:** Approved – See Comments Below Recommend adding the quarter section, township, and range to the deed descriptions. Revised .docx files are attached.

**Development Services – Transportation:** Approved – No response

**Development Services – Wastewater:** Approved – No response

**Development Services – Project Coordination:** Approve Rezoning Only - Will require additional information at Site Plan Review

**Development Services – Fire Prevention:** Approved – No Comments

**Public Review Process**

|   | <b>Date</b>      |
|---|------------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:  | <b>2/8/2023</b>  |
| Applicant submitted revised application requesting a different zone district:   | <b>2/27/2023</b> |
| 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:                               | <b>4/4/2023</b>  |
| Planning Board Public Hearing:  | <b>4/19/2023</b> |
| 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 working days before the meeting<br><b>(tentative):</b> | <b>4/25/2023</b> |
| Land Use, Transportation and Infrastructure Committee of the City Council meeting <b>(tentative):</b>   | <b>5/9/2023</b>  |
| 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 <b>(tentative):</b>  | <b>7/3/2023</b>  |
| City Council Public Hearing <b>(tentative):</b>   | <b>7/24/2023</b> |

**Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**  
 As of the date of this report, staff has not received any written comment from an RNO pertaining to this application.
  
- **Other Public Comment**  
 As of the date of this report, staff has not received any written comments pertaining to this application.

## 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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Evans Station Area Plan (2009)*
- *Shattuck District Plan (2003)*
- *Overland Neighborhood Plan (1993)*

### ***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 would allow for residential mixed-use development, including an increase in allowed housing density, while also enabling additional housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).
- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

The proposed rezoning would enable residential mixed-use infill development at a location where services and infrastructure are already in place. The proposed C-RX-5 zoning designation would allow for

a broader variety of uses including housing, retail, and services and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well connected, vibrant mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life (p. 34).

The proposed rezoning is also consistent with the following strategies in the Environmentally Resilient vision element:

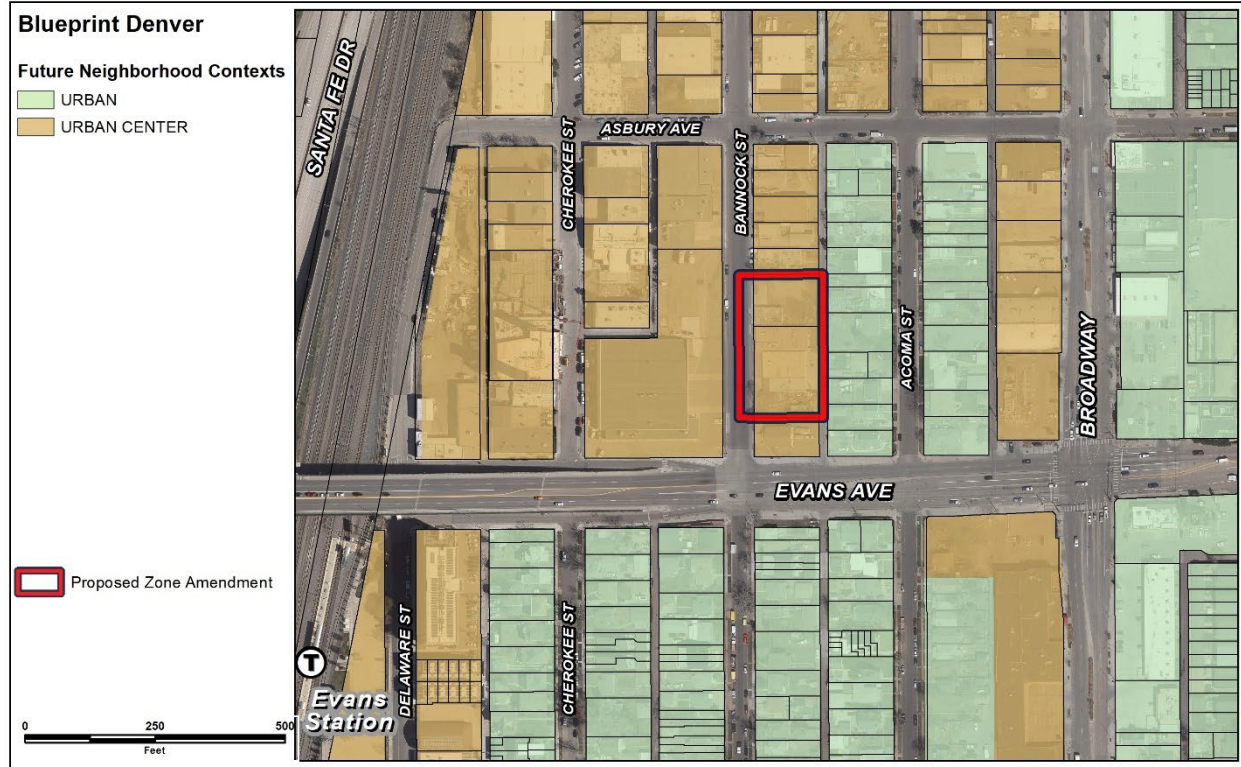
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high and medium-capacity transit corridors (p. 54).

The requested map amendment will enable residential mixed-use development at an infill location where infrastructure is already in place. The requested zone district broadens the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### **Blueprint Denver (2019)**

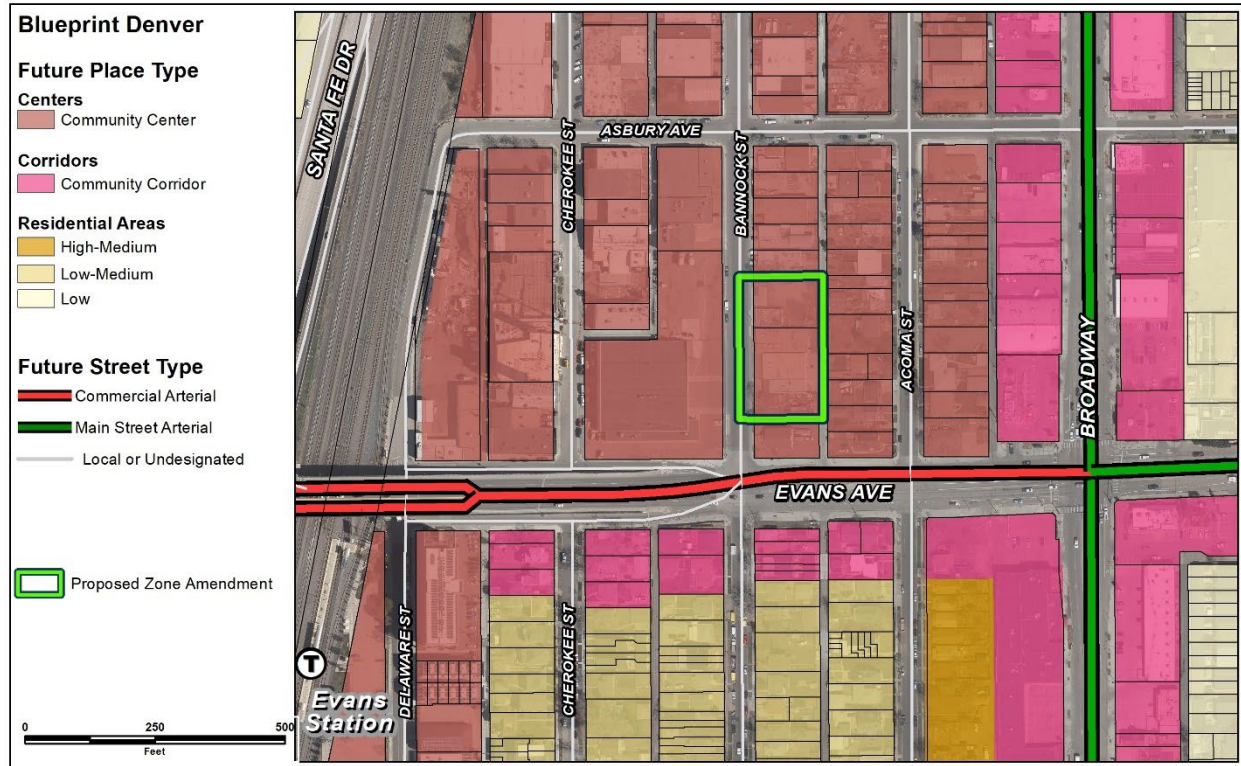
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Community Center future place within the Urban Center Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban Center Context. *Blueprint* states, “This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed C-RX-5 zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge” and “the Residential Mixed-Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance” (DZC 7.2.3.1). Since the proposed district allows a mix of uses and building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

***Blueprint Denver Future Places***



*Blueprint Denver* describes a Community Center in the Urban Center context as “providing a mix of office, commercial and residential uses. A wide customer draw both of local residents and from other parts of the city” (p. 256). Buildings are typically larger in scale and orient to the street with a strong degree of urbanism and continuous street frontages. Additionally, “heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas” (p. 256).

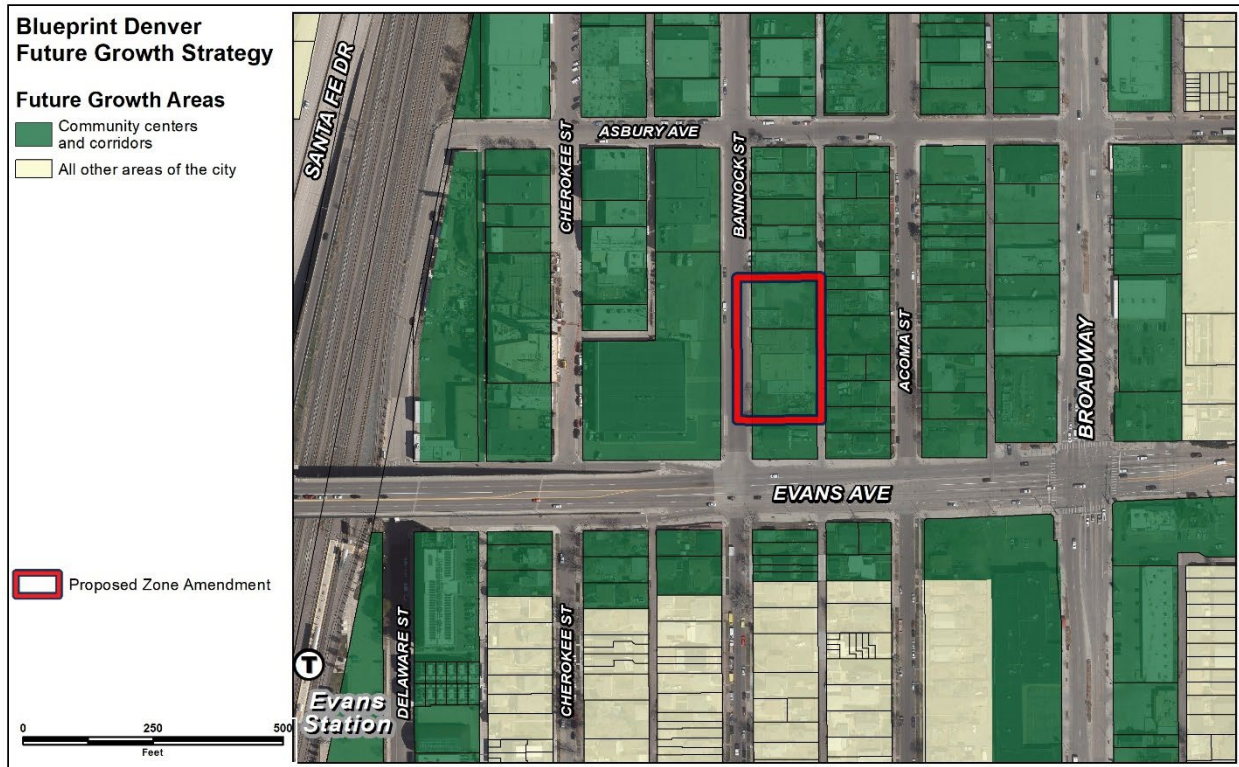
The proposed C-RX-5 zone district allows for primarily residential uses with secondary commercial uses in a pedestrian-oriented pattern with an active street level. While most surrounding buildings are currently lower than the five-story maximum height allowed under C-RX-5, some 8-story zoning is in place to the west and the station area is envisioned to become much more dense and pedestrian oriented in the future. Therefore C-RX-5 is appropriate and consistent with the future place plan direction.

***Blueprint Denver Street Types***

*Blueprint Denver* classifies West Evans Avenue as a commercial arterial, South Broadway as a main street arterial and South Bannock Street as local or undesignated street. Arterial streets “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160).

The proposed C-RX-5 zone district is intended for areas served primarily by local or collector streets (DZC Section 7.2.3.2.A). As South Bannock Street is classified as a local or undesignated street, and, therefore the requested zone district is appropriate with the plan guidance.

### 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 properties are located within the "Community centers and corridors" growth area, these areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed map amendment to C-RX-5 is consistent with the "Community centers and corridors" growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

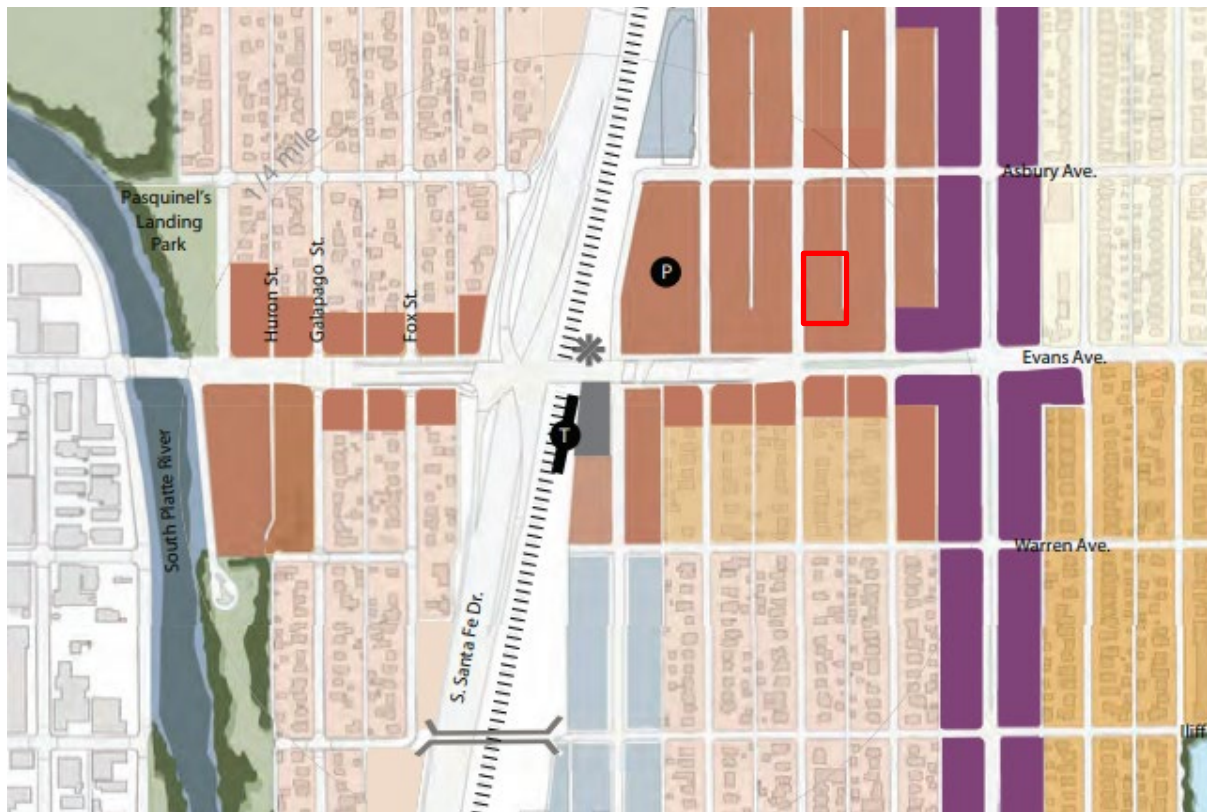
### Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 1 – Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets (p. 72).
- Land Use and Built Form – General Policy 2 – Incentivize or require efficient development of land, especially in transit-rich areas (p. 72).
- Land Use and Built Form – Housing Policy 8 – Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts (p. 86).

**Evans Station Area Plan (2009)**

The *Evans Station Area Plan* was adopted in 2009 and sets forth a vision to “enhance the Evans Station area’s sense of place by creating a vibrant and sustainable urban neighborhood that encourages people to live and work; invites businesses to thrive; allows people to comfortably walk, bike, or use transit to access local services and attractions; and maintains the residential character of the surrounding community” (p. 10). The plan’s recommendations promote transit-oriented development around the Evans LRT station. In the area where the subject property is located, the plan envisions the “transformation of industrial and commercial property to an active, pedestrian-oriented mixed-use community” (p. 14).

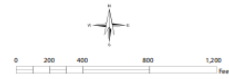


LEGEND

- Mixed-Use - Main Street
- Mixed-Use Residential
- Urban Residential
- Single Family-Duplex
- Single Family

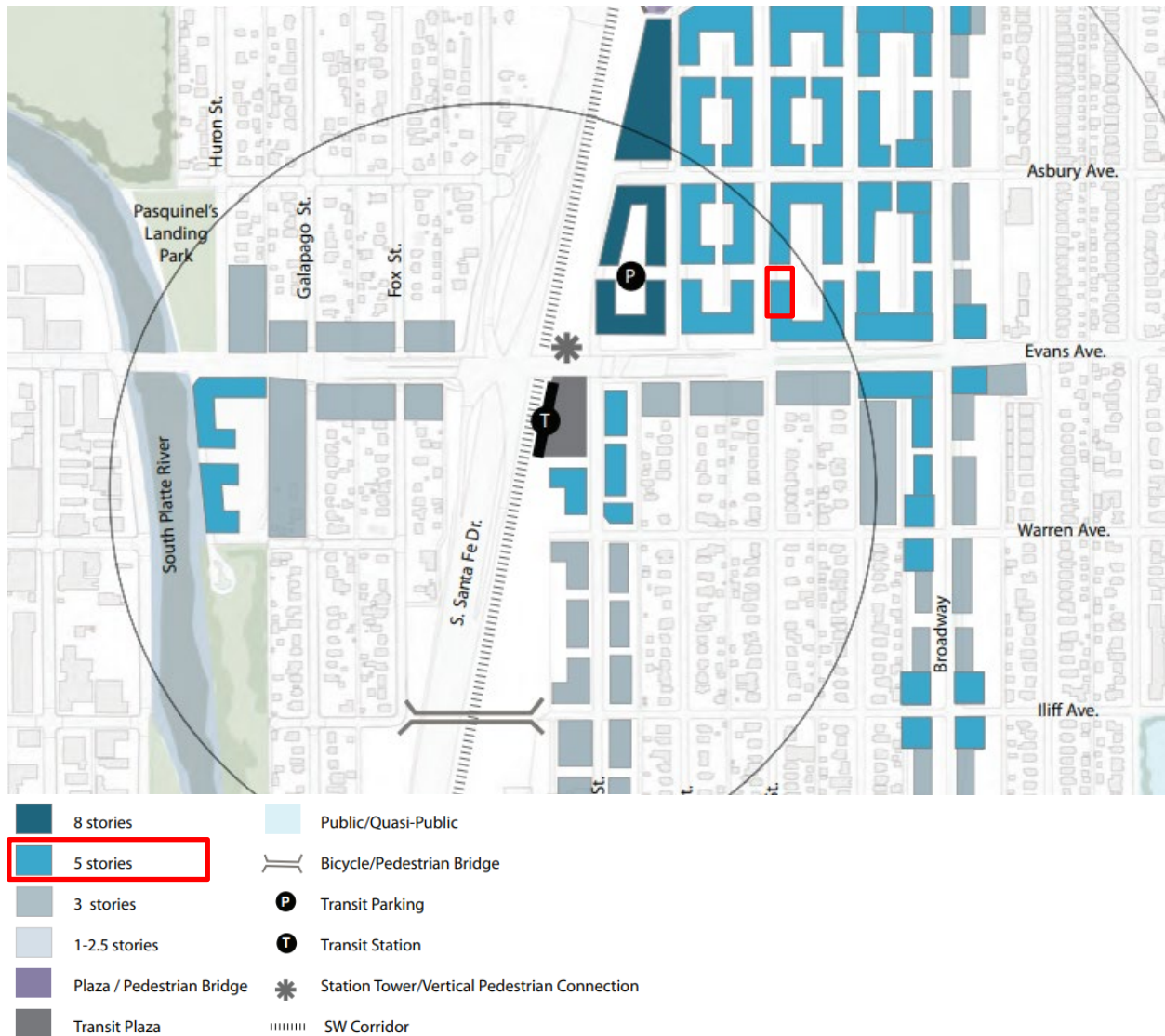
- Mixed-Use - Employment
- Public / Quasi-Public
- Transit Plaza
- Bicycle/Pedestrian Bridge
- Transit Parking

- Transit Station
- Plaza/Pedestrian Bridge
- Station Tower/Vertical Pedestrian Connection
- SW Corridor
- Existing Parks





The land use recommendation for the subject site is Mixed-Use Residential. In these areas, the plan states that “the primary use is intended to be residential, but office and retail may also be supported” (p. 14). The plan further recommends that Mixed-Use Residential areas should have a mix of housing types, active ground floors, and an urban form.



The plan recommends a height of 5 stories for the area in which the subject properties are located.

The proposed C-RX-5 zone district is consistent with the vision and recommendations of the *Evans Station Area Plan* as it will support the transformation of the industrial area into an urban, pedestrian-oriented neighborhood with a mix of uses and an appropriate scale and form.

### ***Shattuck District Plan (2003)***

The vision identified in the *Shattuck District Plan* includes a “neighborhood where people live and work, where housing is affordable, where there are sufficient employment opportunities, where wages are sufficient and public revenues are being produced, where there are households in numbers sufficient to enhance the climate for businesses on Broadway, where there is a mix of businesses, goods and services available to the neighborhood, and where the quality of life is generally good” (p 22). Additional relevant guiding principles from the plan include “Put underutilized commercial /industrial parcels into more productive uses” and “Create a good mix of land use types incorporating households, employers, and consumer goods and services” (p 26).

The proposed C-RX-5 district will facilitate development of a mix of residential and commercial uses in furtherance of the goals of the *Shattuck District Plan*.

### ***Overland Neighborhood Plan (1993)***

This neighborhood plan was adopted by City Council in 1993 and applies to the subject properties. These sites are adjacent to residential uses in an area that transitions from industrial to commercial. The plan predates the Evans LRT, which was reflected in the updated plan guidance adopted in the *Evans Station Area Plan* described above. In the *Overland Neighborhood Plan*, the plan further outlines concerns around providing adequate transition from industrial uses to residential communities. The most specifically applicable recommendation in this plan is Action Recommendation LZ-2, which recommends that commercial and industrial businesses invest in their sites, including beautification and clean-up (p. 13). Reinvestment in the site with pedestrian-friendly building form standards will be enabled by this rezoning.

Based on the foregoing, the proposed rezoning is consistent with the *Overland Neighborhood Plan* as it will provide a better transition to residential uses across the alley on Acoma Street and across West Evans Avenue. The rezoning also facilitates new development with pedestrian-oriented design standards which will promote beautification and clean-up in the immediate area.

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

The proposed rezoning to C-RX-5 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 through implementation of the city’s adopted land use plan. The proposed rezoning would also facilitate increased housing density near services and amenities along South Broadway and foster the creation of a residential mixed-use, urban area within walking distance to a rail station. An increase in density and

broadened mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

#### **4. Justifying Circumstances**

The application identifies several changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4, "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: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan; or, (c.) that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning".

Recent physical changes within proximity to the subject site include new streetscaping improvements along South Broadway that prioritize pedestrians and increase safety along the corridor. Other changes include the construction of new multi-unit residential projects at South Bannock Street and West Jewell Avenue and at South Cherokee Street and West Evans Avenue, adjacent to the railroad tracks. These changes demonstrate the transition from an industrial area to a mixed-use neighborhood where residential uses are compatible, appropriate and complementary to existing uses. Lastly, increasing investments along South Broadway in recent years justify this rezoning request to recognize the changing conditions.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. (DZC 7.1.1). As discussed above, and given the surrounding context, application of a zone district from the Urban Center Context is appropriate for this site.

Within this context, the Residential Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC Section 7.2.3.1). The proposed C-RX-5 zone district applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired (DZC Section 7.2.3.2.A).

The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent, as the requested zoning is intended to provide for residential mixed use development at a maximum height of 5 stories. The subject sites are within walking distance of a commuter rail station, and they are located in an area that is recommended by an adopted station area plan for 5-story development.

#### **Attachments**

1. Rezoning application