



DENVER
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205
Denver, CO 80202
p: 720-865-2915
f: 720-865-3056
www.denvergov.org/planning

TO: Denver City Council – LUTI Committee
FROM: Deirdre Oss, AICP, Senior City Planner
DATE: June 1, 2011
RE: Zoning Map Amendment Application #20111-00004
4175 E. Warren Avenue from B-4 with waivers/conditions and UO-1/UO-2 to C-MX-5

Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #20111-00004 for a rezoning from **B-4 with waivers/conditions and UO-1/UO-2 to C-MX-5.**

I. Scope of Rezoning

Application: **#20111-00004**
Address: **4175 E. Warren Ave.**
Neighborhood/Council District: Council District #6
RNOs: Warrens University Community Council; Inter-Neighborhood Cooperation University Hills Neighborhood Association
Area of Property: Approximately 12,432 SF/.28 acres
Current Zoning: B-4 with waivers/conditions and UO-1 (adult use) and UO-2 (billboards)
Proposed Zoning: **C-MX-5**
Applicant/Owner: Warren Properties, LLC
Contact Person: Robert J. Gollick

II. Summary of Proposal

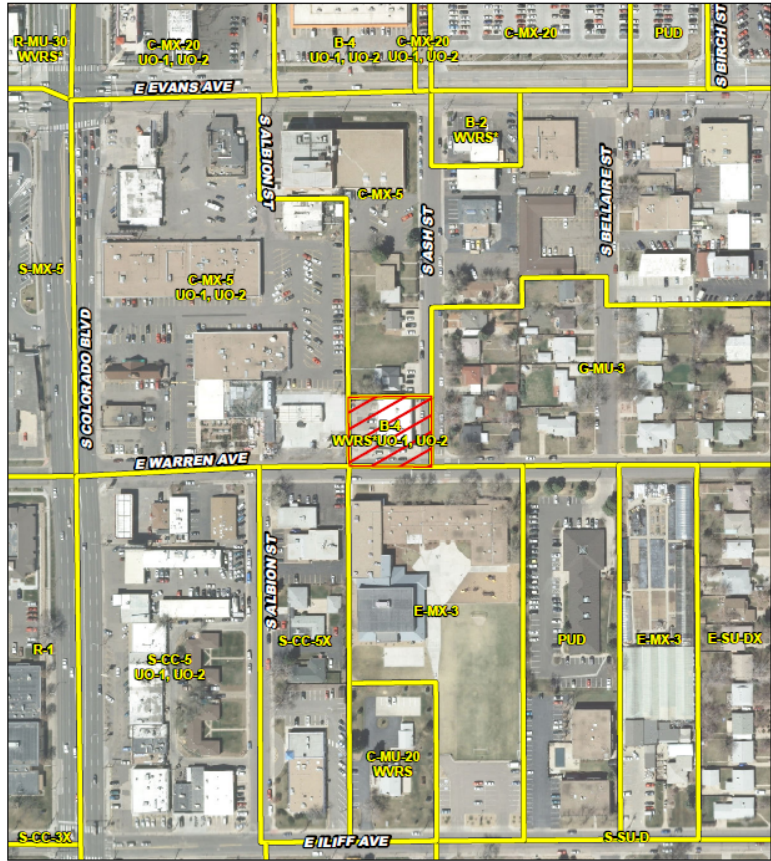
The applicant proposes an updated zone district to reflect changing conditions on the site and in the vicinity of the site on the Colorado Blvd commercial corridor. The proposal to rezone to C-MX-5 also includes a request to discontinue the current use overlay zone districts for adult business and billboards.

III. Justifying Circumstances

Pursuant to Section 12.4.10.14, requiring justification for the amendment request, the land and the environs has changed or are changing to the degree that it is in the public interest to encourage redevelopment. The former rental car business has moved to a new location, spurring interest in redevelopment consistent with the Colorado Station GDP and updated zoning in the vicinity of Colorado Boulevard and Warren Avenue.

IV. Existing Context

This site is two blocks from Colorado Station light rail and the Evans Avenue commercial corridor.



	Existing Zoning	Existing Land Use	Blueprint Denver	Colorado Station GDP
Site	B-4 with w/waivers/condition	Former rental car retail facility	Urban Residential	Residential; 1-4 stories; a mixture of housing types, range of for-sale and for-rent, affordable housing options recommended, structured parking on-site that is located below grade
North	C-MX-5/UO-1, UO-2	Office-residential conversion	Urban Residential	
South	E-MX-3	School	Urban Residential	
West	C-MX-5	Gas station	Urban Residential	
East	G-MU-3	Single family residential	Urban Residential	

V. Summary of Agency Referral Responses

This rezoning has been reviewed for concurrence with the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Development Services-Survey: Approved
Development Services-Transportation: Approved
Denver Fire: Approved
Denver Parks: Approved
Asset Management: Approved.

VI. Notice, Public Process & Public Comment

The property has been posted for a period of 15 days announcing the Denver Planning Board public meeting, and written notification of the public meeting has been sent to all affected registered neighborhood organizations. Public outreach has been conducted with no official responses received by CPD staff.

VII. Criteria for Review / Staff Evaluation

Pursuant to the Denver Zoning Code, Section 12.4.10.13 and 12.4.10.13, there are three criteria for review of all map amendments and two additional review criteria applied to non-legislative map amendments. The first three include:

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

These are explained in the following sections. The remaining two criteria include (*Justifying Circumstances* (explained in Section III above) and *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* (elements of the Denver Zoning Code)).

- **Neighborhood Contexts**

The requested C-MX-5 zone district is within the Urban Center Neighborhood Context, which consists of multi-unit residential and mixed-use commercial strips and centers, with moderate to high building heights, a dense urban character, and high levels of access to multi-modal transportation (Denver Zoning Code Division 7.1).

- **Zone District Purpose**

According to the general purpose stated in the Denver Zoning Code, Mixed Use zone districts are intended to promote safe, active, pedestrian-scaled, diverse areas. They 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. In particular, the C-MX-5 district applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. (Denver Zoning Code Section 7.2.2.2)

VIII. Consistency with Adopted Plans / Staff Evaluation

The proposal is consistent with adopted plans. Applicable plans for this site include:

- Denver Comprehensive Plan 2000
- Blueprint Denver
- Colorado Station General Development Plan

A. Consistency with the Denver Comprehensive Plan 2000

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

1. Environmental Sustainability 2-F, 4-A;
2. Land Use 1-B, 1-C, 3-B, 4-A;
3. Mobility 3-B, 4-E, 5-D;
4. Legacies 3-A, 3-B;
5. Housing 2-F, 6-A;
6. Economic Activity 4-B (3rd bullet), 5-A

The proposed rezoning is supported by these policies promoting mixed-use infill development near activity centers, particularly within blocks of transit. Housing policies reinforce the need to promote diverse housing choices and zone districts to support them. This rezoning to C-MX-5 supports expanded small-scale economic activity along the Colorado Boulevard corridor.

B. Consistency with Blueprint Denver

1. According to Blueprint Denver, this site has a future concept land use of Urban Residential in an Area of Change. “Urban Residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses” (p. 41). There is a greater housing base than employment base; a mixture of housing types is present.
2. “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 short auto trips.



Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial” (p.127). In this Southeast Light Rail Corridor TOD Area of Change, the Colorado Station area offers “the greatest potential for larger-scale TOD development” (p. 138). It has “the potential to create a mixed-use urban village centered on the light-rail station.”

3. According to Blueprint Denver, Warren Avenue and Ash Street are both classified as Undesignated Local streets. Local streets are influenced less by traffic volumes and are tailored more to providing local access (p.51).

C. Consistency with the Colorado Station General Development Plan

The proposed rezoning is generally consistent with the adopted Colorado Station General Development Plan. Secondary Boundary. This boundary encompasses multiple properties considered for longer term development concepts.

1. It is located in Development Area 1. The Development Concept for Development Area 1 is Residential, described as, “residential transition area between the intensive office development and lower-density uses south of E. Warren Ave. 1-4 stories, a mixture of housing types, range of for-sale and for-rent, affordable housing options recommended, structured parking on-site that is located below grade.” This element of the GDP supports a C-MX-3 zoning.
2. Also noted are the conditional terms outlined in Denver Zoning Code Section 12.4.12.15.C. “The City may issue subdivision approvals, site development plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved GDP.

Allowed Uses and Building Form

The C-MX-5 district allows a variety of residential, neighborhood-serving and commercial retail uses in addition to a diverse mix of housing types. Unlike the higher density C-MX-8 zone, it does not allow some of the industrially classified uses such as research laboratory. Key to this proposal is the applicant’s request to remove the use overlays 1 (adult business) and 2 (billboard) as defined in Section 9.4.4.

While many retail and commercial uses existed in the current zoning, it excluded a number of uses including adult uses, so removal of the overlay district does not change existing zoning limitations on this site. There is not a billboard existing on the site today.

Conditions in the current zoning included limitations on lighting and landscaping, building lot coverage (not to exceed 50%), building height not to exceed 35 feet, and ground sign heights.

The request allows for additional height compared to the current zoning. However, this request is consistent with the new zoning applied to the site to the north and west and the site is not adjacent to a protected district. C-MX-5 standards will create the built pedestrian-friendly environment called for in the Colorado Station General Development Plan with allowance for residential uses, build-to and transparency requirements.

IX. 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 to all buildings within the subject area.

X. Public Health, Safety and General Welfare

The proposed rezoning will bring the property into conformance with adopted City plans and the Colorado Station General Development Plan.

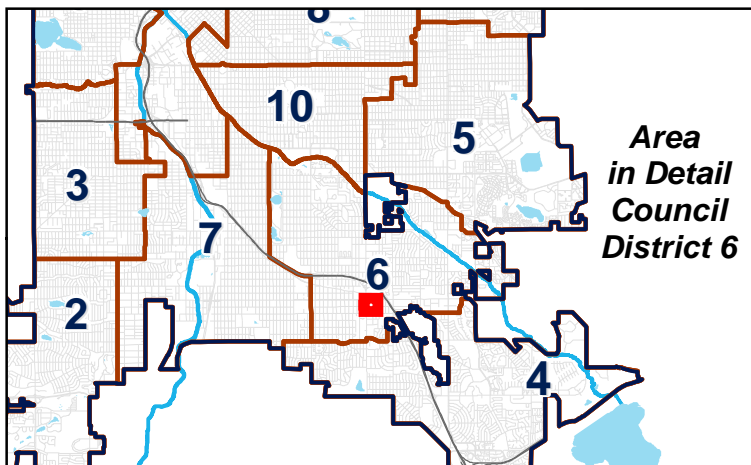
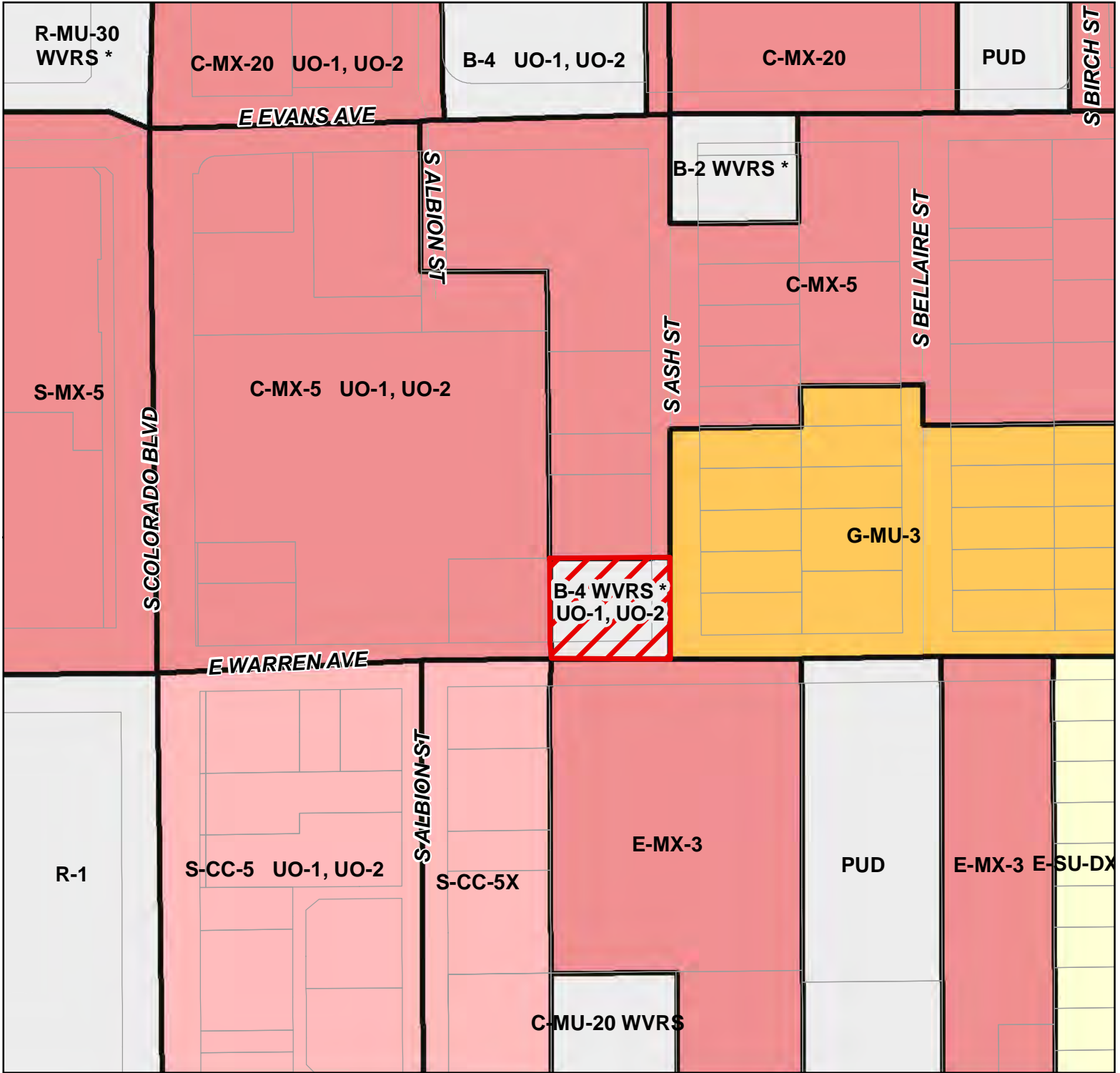
XI. Staff Recommendation – Planning Board Recommendation

Based on the criteria for review as defined above, CPD Staff recommends **approval** for rezoning the property generally located at 4174 E. Warren Avenue, Application #2011i-00004, to C-MX-5, as defined on the attached application map. The Denver Planning Board approved this application on the June 1, 2011 consent agenda.

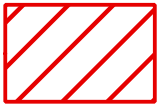
Attachments:


1. **Official Zone Map Amendment Application**
2. **Map Series - Aerial, Zoning, Blueprint Map**

Pending Zone Map Amendment #2011I-00004



Application #2011I-00004
Location: 4175 E. Warren Ave.

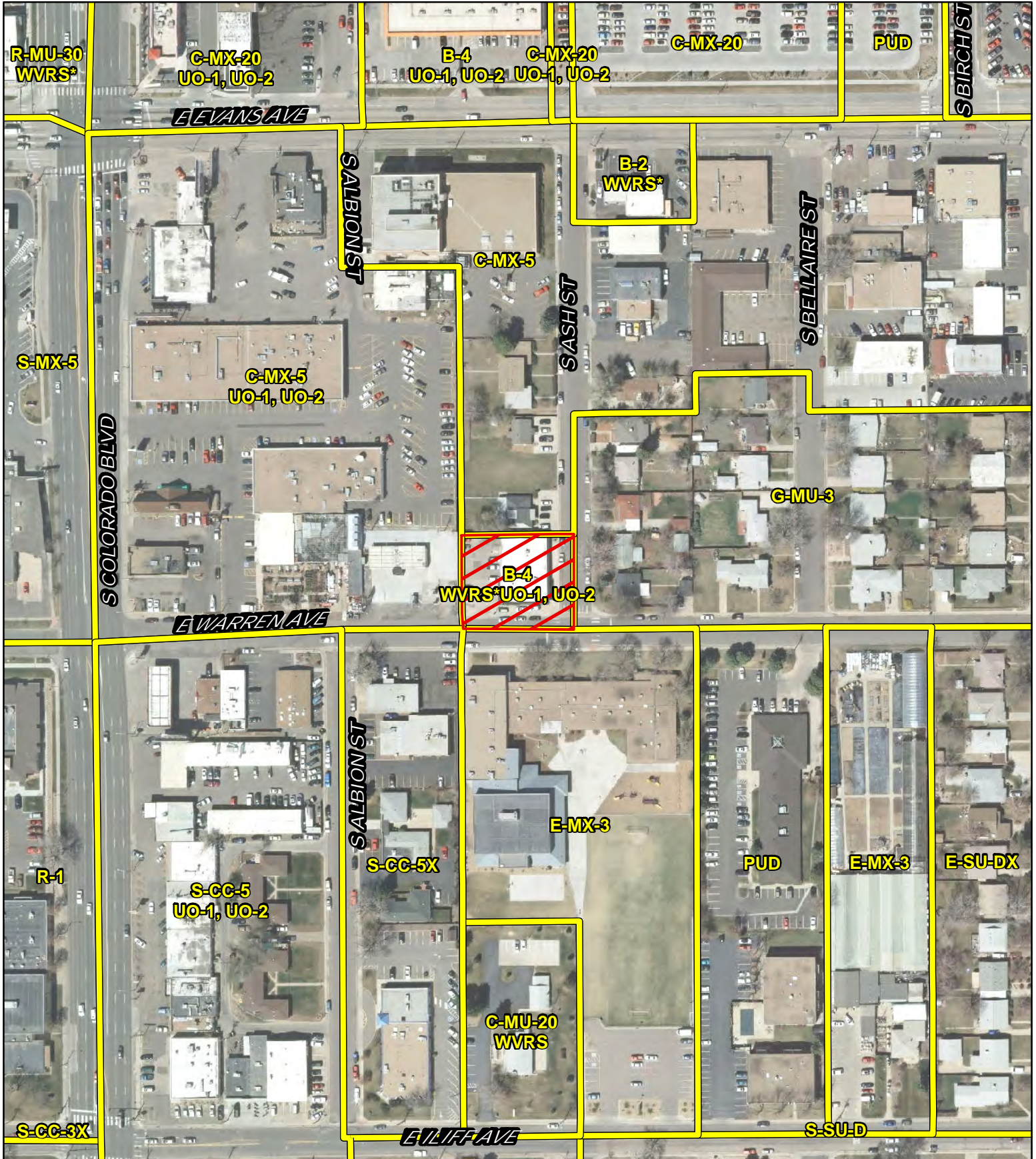
 **Proposed Rezoning**
From: B-4 WVRs*, UO-1, UO-2
To: C-MX-5 (UO-1, UO-2) verify

 0 100 200 400
 Feet

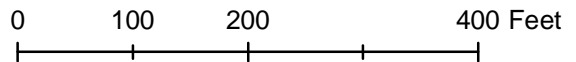
Map Date: 4/5/11

Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2011-00004



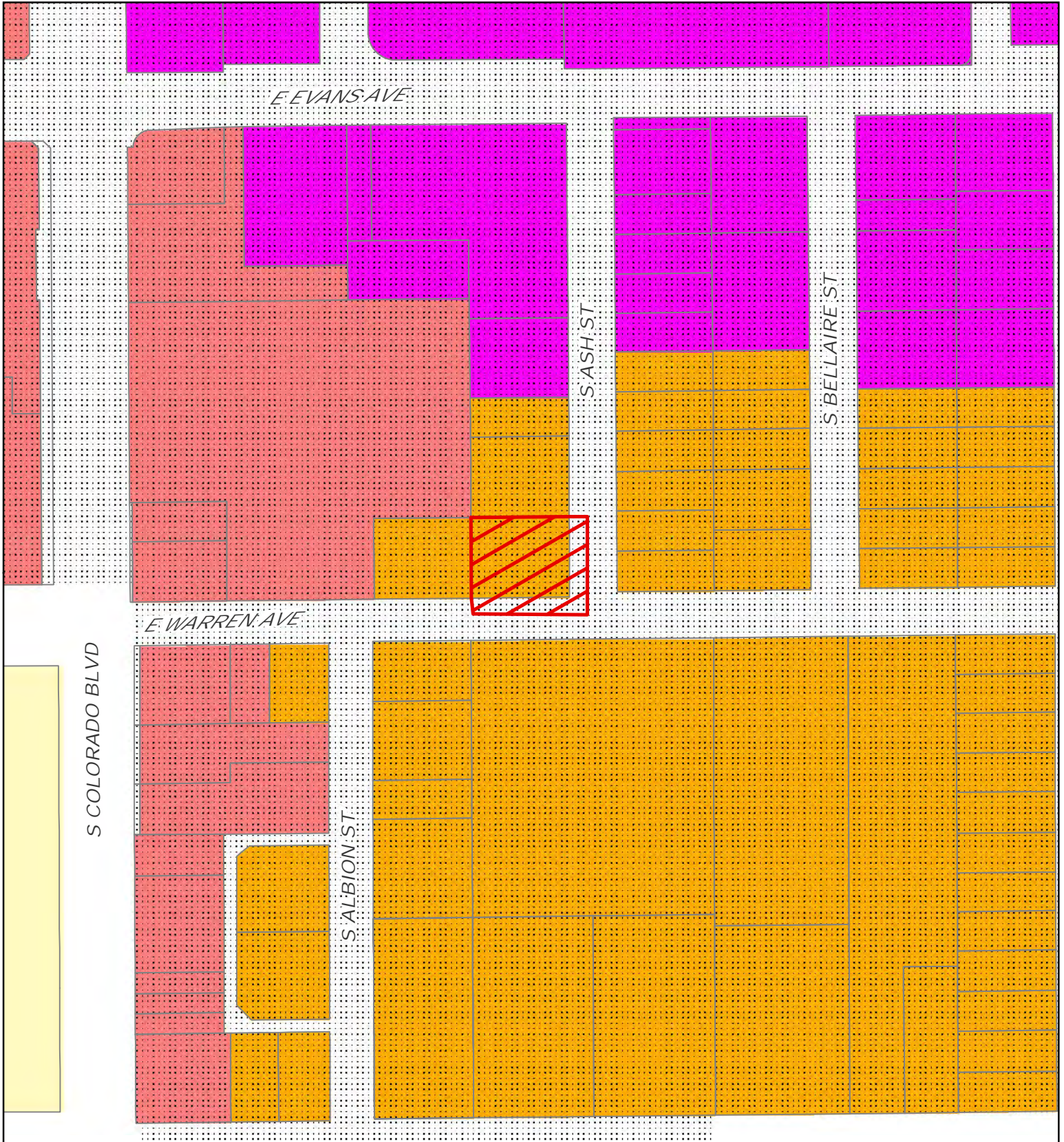
Aerial Photo: April 2008
Community Planning and Development










Map Date: 4/5/11

Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2011I-00004



 Commercial Corridor	 Urban Residential	 Pending Zoning Amendment
 Single Family Residential	 Area of Change	0 100 200 400 Feet
 Transit Oriented Development		

Map Date: 4/5/11



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Planning Services
Plan Implementation**

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APPLICATION FOR ZONE MAP AMENDMENT

Application #	2011I-00004	Date Submitted	3.29.11 Rev: 5.2.11	Fee Required	\$1,000	Fee Paid	\$1,000
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)			
Applicant Name	Warren Properties LLC			Contact Name	Robert J. Gollick, Inc (Bob Gollick)		
Address	1111 Crestridge Drive			Address	609 South Gaylord Street		
City, State, Zip	Greenwood Village, Colorado 80121			City, State, Zip	Denver, Colorado 80209		
Telephone / Fax	303 960-8800			Telephone / Fax	303 / 722-8771		
Email	Use for all contact: bgollick@comcast.net			Email	bgollick@comcast.net		
Subject Property Location [Please Include Assessor's Parcel Number(s)]							
<p>The site is located at the northwest intersection of East Warren Avenue and Ash Street in the University Heights neighborhood. The subject property is addressed as follows: 4175 East Warren Avenue, Assessor's No. 0630217032000 (Former location of Enterprise Rent-A-Car)</p>							
Legal Description of Subject Property							
<p>Lots 25 through 28 inclusive, Block 2, Warren's University Heights, City and County of Denver, State of Colorado</p>							
Area of Subject Property (Acres/Sq Ft)		Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)			
12,432± sq. ft. or 0.2854± acres		B-4 with waivers and conditions		C-MX-5			
Describe the nature and effect of the proposed Zone Map Amendment							
<p>The nature of the proposed map amendment is to allow uses that are appropriate for of a .2854± acre parcel of land located in the University Heights neighborhood just a few hundred feet south of the RTD Colorado Station light rail transit station. The property fronts East Warren Avenue along the south and is situated one block east of Colorado Boulevard and a few blocks southwest of Interstate 25 in an area known as The Colorado Station. For several years this property has been the home of "Enterprise Rent-A-Car". However, Enterprise has moved to a new location leaving the existing 5,400± square foot structure vacant.</p> <p>The existing B-4 zoning is no longer appropriate or viable for this property. Numerous changes in and around the site have resulted in a need to rezone to a more appropriate zone district that will provide a palette of uses that will remain flexible over time meeting the needs of the community as well as the property owner.</p> <p>The intent of this map amendment is to eliminate the current B-4 zoning and seek approval of a more current and appropriate zone district, the C-MX-5, which if approved, will allow a mix of uses that includes residential, commercial, office and retail. The site's location fronting along East Warren Avenue and in proximity with Colorado Boulevard and to Interstate 25 provides the access that is necessary for the mentioned types of uses to be successful and thrive.</p> <p>Thus the nature of the proposed map amendment is to provide zoning for the site compatible with the neighborhood,</p>							

the mix of uses already in the area, the existing commercial structure and the location. The property is a corner site, which has had commercial uses for numerous years. However, the conditions stated above have resulted in a need to rezone to a more appropriate zone district that will provide a palette of uses that will remain flexible over time meeting the needs of the community as well as the property owner. The zoning code update, approved in 2010, changed the zoning designation of the area to a mixed-use designation. The properties adjacent to the subject site along the west and north boundaries are already C-MX-5 with E-MX 5 and S-CC-5 to the south. If not for the waivers and conditions contained in the existing B-4 zone designation, the subject would have been zoned C-MX-5 as part of that 2010 effort. It is the last remaining parcel in the area that maintained a zoning designation from the former Zoning Code.

There is no small area plan in place for this neighborhood. However, in response to RTD's Colorado Station light rail transit line and station, the City initiated a planning process to guide development in and around the station platform and area. In January of 2008 the **Colorado Station General Development Plan** (GDP) was approved by the Denver Planning Board and City Department Managers. The GDP categorizes property into four development areas. The subject property is within the Secondary Boundary, Development Area 1 of the GDP, which explains that the area contains an extensive mix of uses, which is due to the predominant commercial zoning in the area. The zoning was for the most part B-4 prior to the zoning code update in 2010. The development concept for Development Area 1 is for "residential transition area between the intensive office development and lower density uses south of Warren Avenue." The subject property, which is north of Warren Avenue, will meet that transition expectation by providing low scale uses appropriate for collector streets that are permitted in the proposed C-MX-5 zone district.

Additionally, the concepts in the General Purpose section of the Zoning Code that relate to the C-MX-5 zone district and this site are as follows:

A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.

B. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

C. 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.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.

E. In the Urban Center Neighborhood Context, the Mixed Use Zone Districts require the same level of pedestrian enhancements as the Main Street Zone Districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use Zone Districts and the Main Street Zone Districts is Main Street districts mandate shopfront buildings at the street edge.

Since no new development is being proposed at this time in this map amendment, the structure will remain as is thus the effect of the proposed amendment will for the most part be negligible. However, in the future if redevelopment of the property occurs, the C-MX-5 zoning will provide the potential for, high quality, retail, residential, commercial and office development through the guidelines of the MX zone district.

All of the permitted uses are appropriate for this urban setting and will add to the vitality and life to this area. Future development of the property under the guidelines of the C-MX-5 zone district will create employment opportunities, and provide services within minutes of the Colorado Station.

Select Legal Basis for the Zone Map Amendment and explain in detail	Error in the map as approved by City Council	<input type="checkbox"/>
	Changed or Changing Conditions that make a Zone Map Amendment Necessary	<input checked="" type="checkbox"/>

The proposed C-MX-5 map amendment is in response to the changed and changing conditions in this area as well as citywide changes. The development of the Colorado Station was the catalyst for development to occur throughout the station area and secondary areas. Several new developments along with commercial and retail projects along Evans Avenue have begun to transform the neighborhood into a mixed-use and transit-oriented area. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, and employment opportunities that maximize the intent of the Colorado Station Plan providing the framework necessary for positive planned growth to occur. A few examples of the changed conditions are as follows:

- The adoption by the City of the Zoning Code Update in 2010,
- RTDs development of the light rail system along I-25,
- The June 2010 rezoning around the subject to mixed-use,
- The development of the Colorado Station,
- The adoption by City Council of "Blueprint Denver",
- Approval of the site as an "Area of Change" within "Blueprint Denver",
- Successful development of the Colorado Center office complex, and
- Approval by the City of the Colorado Station GDP

All of the listed changed conditions result in a need for the types of services and amenities that the proposed mixed-use zoning can provide. Additionally, the existing B-4 zone district cannot provide for the development needs for this site, meet the stated goals of the Colorado Station GDP or provide the City and area residents the types of uses that are incorporated in the C-MX-5 zone district.

The proposed zoning relates to the "Denver Comprehensive Plan" as well as "Blueprint Denver: An Integrated Land Use and Transportation Plan" in several significant ways which are described as follows:

Blueprint Denver designates this site as Urban Residential and an Area of Change. Blueprint Denver defines Urban Residential neighborhoods as being higher density and primarily residential but may include a noteworthy number of complementary commercial uses (pg 41). Further, Blueprint Denver defines Urban Residential areas as being building blocks usually located by transit corridors. The subject property meets this description.

Further explanations of the changed conditions that justify this map amendment request are contained in "Denver Comprehensive Plan 2000." Several of the objectives and resulting strategies that support the zoning request are listed below. They are extracted from the Land Use Chapter, Housing Chapter and Neighborhood Chapter of *Denver Comprehensive Plan 2000*.

Environmental Sustainability Chapter

Strategy 2-F

Conserve land by:

Promoting **infill development** within 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.

Creating more density at transit nodes.

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

Strategy 1-B:

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of high-quality urban design and stable, attractive neighborhoods; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Objective 3: Residential Neighborhoods and Business Centers

Accommodating New Development

Strategy 1-C:

Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle.

Strategy 4-A:

Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

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.

Objective 4 _ Mobility Chapter

Strategy 4-E:

Continue to promote mixed-use development, which enables people to live near work, retail and services.

Objective 3 Legacies Chapter

Strategy 3-A

Identify areas in which increased density and **new uses are desirable** and can be accommodated.

Strategy 3-B

Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives.

Housing Chapter

Objective 2 _ Preserve and Expand Existing Housing

Strategy 2-F

Explore opportunities for housing in all proposed development and redevelopment projects, including commercial and retail projects.

Strategy 6-A

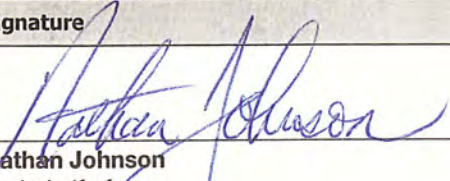
Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

Economic Activity Chapter

Strategy 4-B Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs.

State the land use and the development proposed for the subject property. Include the time schedule (if any) for development

At this time the existing structure will remain unchanged thus no development schedule is proposed. Future land uses and development of the property will be controlled by the guidelines and permitted uses in the C-MX-5 zone district The proposed C-MX-5 zone district will allow a mix of uses appropriate for this corner location.

Required Exhibits		Additional Exhibits	
Applicant & Owner Information Sheet	<input checked="" type="checkbox"/>		
Maps – Required for Final Submissions	<input type="checkbox"/>		
Signature			Date
 Nathan Johnson On behalf of: Warren Properties LLC 1111 Crestridge Drive Greenwood, Colorado 80121			5/3/11

APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
20111-00004	Nathan Johnson On behalf of: Warren Properties LLC 1111 Crestridge Drive Greenwood, Colorado 80121

Property Address(es)
 4175 East Warren Avenue
 Denver, Colorado 80222

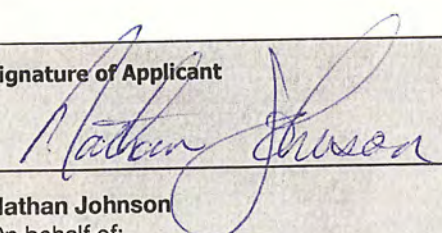
Applicant's Address
Warren Properties LLC
 1111 Crestridge Drive
 Greenwood, Colorado 80121

NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

Fee Title Owner (Has Deed of Ownership)	All	<input checked="" type="checkbox"/>
	A Portion	<input type="checkbox"/>
Contract Owner	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
Holder of a Security Interest	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

<p>Signature of Applicant</p>  <p>Nathan Johnson On behalf of: Warren Properties LLC</p>	<p>Date Signed</p> <p style="font-size: 1.5em;">5/3/11</p>
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