

Zone Map Amendment (Rezoning) - Application

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|---|--|--|------------------------------------|
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | | <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | 3939 Williams Building Corp | Representative Name | Bruce O'Donnell / STARBOARD Realty |
| Address | 1717 E. 39th Avenue | Address | 770 Sherman Street, Suite 108 |
| City, State, Zip | Denver, CO | City, State, Zip | Denver, CO 80206 |
| Telephone | 303-292-5161 | Telephone | 720-441-3310 |
| Email | byron@portapowerinc.com | Email | bodonnell@starboardrealtygroup.com |
| <p>*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.</p> | | <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> | |
| 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. | | | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address and/or boundary description): | Located on North High Street & East 39th Avenue 3965, 3955 & 3995 North High Street | | |
| Assessor's Parcel Numbers: | 0223403023000 & 0223403034000 | | |
| Area in Acres or Square Feet: | 34,375 square feet | | |
| Current Zone District(s): | I-B, UO-2 | | |
| PROPOSAL | | | |
| Proposed Zone District: | I-MX-3 with UO-2 in place and remaining in effect | | |
| Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

| REVIEW CRITERIA | |
|--|--|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p> | <p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> |
| <p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p> | <p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p> |
| REQUIRED ATTACHMENT | |
| Please ensure the following required attachments are submitted with this application: | |
| <input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Review Criteria | |
| ADDITIONAL ATTACHMENTS | |
| Please identify any additional attachments provided with this application: | |
| <input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s) | |
| Please list any additional attachments: | |
| SEE ATTACHED EXHIBITS A - F | |

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

| Property Owner Name(s) (please type or print legibly) | Property Address City, State, Zip Phone Email | Property Owner Interest % of the Area of the Zone Lots to Be Rezoned | Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held) | Date | Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved | Property owner representative written authorization? (YES/NO) |
|--|---|--|---|----------|---|--|
| EXAMPLE John Alan Smith and Josie Q. Smith | 123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov | 100% | <i>John Alan Smith Josie Q. Smith</i> | 01/01/12 | (A) | NO |
| 3939 Williams Building Corporation | 3955, 3965 & 3995 N. High St. Denver, CO 80205 303-292-5161 byron@portapowerinc.com | 100% | <i>By us</i> | | A | |
| | | | | | A | |
| | | | | | A | |
| | | | | | A | |
| | | | | | A | |

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

311 | FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

List of Exhibits

- Exhibit A:** Property Legal Descriptions

- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.13 (A, B & C))

- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14 (A&B))

- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

- Exhibit E:** Verification of Signature Authority by Property Owner

- Exhibit F:** Proof of Ownership, Assessors Record

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOTS 30 THROUGH 40, BLOCK 4, PROVIDENT PARK, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXHIBIT B
Description of Consistency with Adopted City Plans

REVIEW CRITERIA - The proposed map amendment is consistent with the following three adopted plans:

1. Denver Comprehensive Plan (2000)
2. Blueprint Denver (2002)
3. River North Plan (2003)
4. 38th & Blake Station Area Plan (2009)
5. Elyria & Swansea Neighborhoods Plan (2015)

Statement of Consistency with Adopted City Plans:

1. The proposed map amendment is consistent with many objectives of ***Denver Comprehensive Plan 2000*** including:

Form and Use Strategy 1-B: “Ensure that the *Citywide Land Use and Transportation Plan* reinforces the city’s 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.”

Form and 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.” As well as: “Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.”

Mobility Strategy 4-E: “Continue to promote mixed-use development, which enables people to live near work, retail and services.”

Legacies Strategy 3-A: “Identify areas in which increased density and new uses are desirable and can be accommodated.”

The proposed map amendment will also contribute to preserving and enhance the individuality, diversity and livability of Denver’s neighborhoods by fostering the following Plan objectives:

Congruency of land use and zoning: “...a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas.”

Compact development: “...improved neighborhood cohesion, reduced urban sprawl and residents more directly connected to services and amenities within their immediate living environment.”

2. The proposed map amendment is consistent with many objectives of **Blueprint Denver** including:

The **Blueprint Denver** future land use designation for the subject property is Mixed Use. The Property is also located in an Area of Change.

Blueprint Denver describes Mix User neighborhoods as “These areas have a sizable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block. But within the neighborhood, residential and non-residential uses are within walking distance of one another.”

Blueprint Denver also states that “Areas of Change are areas where growth will be beneficial and can best improve access to jobs, housing and services with fewer auto trips.”

The **Blueprint Denver** Plan Strategy: Direct Growth to Areas of Change – the Property is in a **Blueprint Denver** identified Area of Change and also meets the following **Blueprint Denver** Areas of Change criteria, goals and objectives:

- Certain features of the Property characterize an Area of Change, such as:
 - The Property is largely underutilized land
 - The Property is in an area undergoing positive change that is expected to continue
- The Property also provides opportunities for the following **Blueprint Denver** Strategies including:
 - Housing, including affordable housing
 - Infill and redevelop vacant and underused properties
 - Compatibility between new and existing development
 - Balanced mix of uses
 - Economic activity—business retention, expansion and creation

New I-MX-3 zoning for the Property will allow these **Blueprint Denver** goals to be implemented.

Blueprint Denver also is relevant to the Property and positively informs the rezoning request at follows:

“Mixed-Use Zoning: Mixed-use zoning provides a mixture of uses to enable residents to shop and work in the same area. Mixed-use zoning allows or encourages residential use with commercial use, such as moderate sized offices or retail. The uses can be either mixed in the same building or in separate buildings near each other.”

New I-MX-3 zoning for the Property will allow this **Blueprint Denver** goal to be implemented.

The rezoning of the subject property will enable redevelopment of a formerly heavy industrial area into a vibrant new industrial mixed-use neighborhood proximate to jobs, services and multimodal transportation corridors.

3. The proposed map amendment is consistent with many objectives of the **River North Plan**.

One of the applicable neighborhood plans for the property is the **River North Plan**, which was adopted in 2003. The **River North** future land use designation for the subject property is TOD Mixed Use. One of the stated goals for this plan is: "Create opportunities for employees of current and future employers to live within the study boundaries and seek to connect residents of adjacent neighborhoods with jobs within the Plan's boundaries."

Another stated goal of the plan is to: "Build upon the unique land uses that exist and identify redevelopment sites and opportunities that foster the creation of a compatible mix of uses." As well as by "adding new development to the current uses and structures, create a unique environment both in terms of an eclectic mix of uses and exciting, innovative architecture."

The proposed I-MX-3 zone district is consistent with this Plan vision and will help to provide the regulatory framework for implementation of these Plan goals and objectives. The existing site is a unique redevelopment opportunity that will foster the creation of a mix of uses.

4. The proposed map amendment is consistent with and helps to implement the approved **38th & Blake Station Area Plan**. Specifically, one of the goals of the Plan is to "Utilize the station investment to strengthen existing diverse neighborhoods and create a new center for the community" while two of the plan objectives include: "Promote a unique sense of place by requiring development to respect the context of the area's diverse existing urban form characteristics" and "Promote infill within the station area to create development that supports transit ridership, residential, and neighborhood-serving retail and services."

In the Station Area Plan the future land use for the Denver Rock Drill property is designated as TOD Mixed Use. Rezoning the Property to I-MX-3 will allow the first implementation steps of this TOD vision to occur. In addition, the Station Area Plan calls for 3 story building heights at this location.

The Station Area Plan's Implementation Strategy Recommendation LU-5 states:

"Increase the population of residents living near transit through the adaptive reuse of existing buildings or construction of new residential buildings along Blake Street, around the Rock Drill Lofts, and on Brighton Boulevard southwest of 36th Street..."

The proposed I-MX-3 zoning meets both the goal and objectives stated above by developing the area to respect the context of the area's diverse urban form characteristics. The proposed parking garage will serve the new development in order to support the neighborhood-serving retail and services.

5. The proposed map amendment is consistent with many objectives of the ***Elyria & Swansea Neighborhood Plans***. The ***Elyria & Swansea Neighborhood Plan*** concept land use designation for the subject property is Mixed Use. One of the stated goals for this plan is to establish a strong compilation of land uses that balances the needs of residents, commerce and industry. In order to facilitate that goal, industrial mixed uses in this neighborhood "... can be, but are not necessarily, mixed in each building, development, or block. Pedestrian access is important within the areas, with residential and non-residential uses always within short walking distance of one another." The proposed redevelopment will include mixed uses in the development with an emphasis on pedestrian access, thereby meeting one of the stated goals of the neighborhood plan.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

Justifying Circumstances - One of the following circumstances exists:

1. The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.

2. The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

Statement of Justifying Circumstances:

The approximately 34,375 square foot property owned by 3939 Williams Building Corp to be rezoned to I-MX-3 is located in a part of Denver undergoing tremendous and positive transformation. The RiNo / Upper Larimer and River North communities are developing rapidly. The proposed map amendment is in response to these changing conditions and the need for mixed use development.

The opening of the RTD "A Line" rail service connecting Denver Union Station to Denver International Airport is an important and positive change for the area. The A line has the 38th & Blake Transit stop two blocks from the Denver Rock Drill property, a recent and catalytic change for the Property.

The Property consists of under developed land that is efficiently served by existing infrastructure. Rezoning will further the policy goals and multiple City plan directions of converting the Property to a vibrant mixed-use community. Conditions in the neighborhood and prices are changing rapidly thereby providing the legal basis for this map amendment application and rezoning request.

This rezoning will be an implementation step of the policy, land use and transportation goals identified in the aforementioned Plans. Once rezoned, the Property can accommodate the urban densities and mix of uses prescribed in the plans. This rezoning is necessary for the following reasons:

1. Conformance with the River North, the 38th and Blake Station Area Plan and the Elyria & Swansea Neighborhood Plans.
2. Implementation of Blueprint Denver.
3. Furtherance of the public health, safety & welfare

Development throughout the River North Neighborhood over the last 10 years has transformed the area into a premier mixed-use urban infill community. The proposed Zone District provides the form-based context to enable what the City policy documents prescribe, the market wants, the community and Denver's elected officials desire for the furtherance of the neighborhood and this region of the City. Design elements imbedded in the zoning such as building height and orientation will help create a quality community the City and its residents will be proud of.

Statement of Consistency with Neighborhood Context and General Purpose of Zone Districts:

This map amendment application requests approval of the I-MX-3 Zone District for the Property.

The Denver Zoning Code states that the General Purpose of the “I-MX” Zone Districts is intended to develop the subject area in a pedestrian-oriented pattern, with buildings built up to the street as well as accommodating a variety of industrial, commercial, civic and residential uses.

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. 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.

I-MX-3 is an industrial mixed-use district intended to promote development and redevelopment of transitioning industrial neighborhoods with building up to 3 stories high. Mixed Use districts are focused on creating mixed, diverse neighborhoods. The proposed use contemplated by the applicant will create and enhance a mixed, diverse and affordable neighborhood.

The **General Intent** for this rezoning to I-MX-3 is as follows:

1. To Implement the Denver Comprehensive Plan and its supplements.
2. To implement both Blueprint Denver as well as the River North Neighborhood Plan, the 38th and Blake Station Area Plan and the Elyria Swansea Neighborhood Plan.
3. 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.
4. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

REVIEW CRITERION DZC § 12.4.10.7.C - The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

Future development of the Property will result in uniformity of I-MX-3 district regulations and restrictions.

REVIEW CRITERION-The proposed official map amendment furthers the public health, safety, and general welfare of the City.

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plans.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

3939 Williams Building Corporation
1717 E. 39th Avenue
Denver, CO 80205

March 15, 2017

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent 3939 Williams Building Corporation, the property owner, for the purpose of submitting and processing the rezoning application for the property located at 3955, 3965 and 3995 N. High Street in Denver, CO.

Sincerely,



Byron Weiss
President & Authorized Representative

EXHIBIT E

Verification of Signature Authority by Property Owner

BOARD RESOLUTION
OF
3939 WILLIAMS BUILDING CORPORATION

We, the undersigned, being all the Directors and Shareholders of 3939 Williams Building Corporation, organized and existing under the laws of Colorado, and having its principal place of business at 1717 E 39th Ave, Denver, Colorado 80205 (the "Corporation"), hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Directors and Shareholders of the Corporation duly held and convened on March 14, 2017, at which a quorum of the Board of Directors was present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

Therefore, it is resolved:

Byron Weiss is hereby identified as authorized signer for 3939 Williams Building Corporation.

DIRECTORS

Byron Weiss
Byron Weiss
President

03/14/17
Date

SHAREHOLDERS

Brett Weiss
Brett Weiss
Vice President

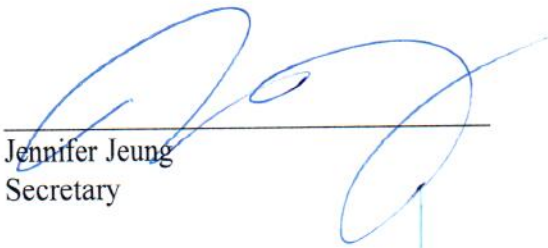
03/14/17
Date

Circle this L.S. as there is no corporate seal.

CERTIFICATE OF SECRETARY

The Secretary of the Corporation hereby certifies that he/she is the duly elected and qualified Secretary of 3939 Williams Building Corporation and certifies that the above is a true and correct

record of the resolution that was duly adopted by the Directors and Shareholders of the Corporation on March 14, 2017.



A handwritten signature in blue ink, consisting of several large, overlapping loops, is positioned above a horizontal line.

Jennifer Jeung
Secretary

EXHIBIT F
Proof of Ownership, Assessors Record

3955 HIGH ST

| Owner | Schedule Number | Legal Description | Property Type | Tax District |
|---|-----------------|--------------------------------|------------------------|--------------|
| 3939 WILLIAMS BUILDING 1717 E 39TH AVE DENVER , CO 80205-3401 | 0223403034000 | PROVIDENT PARK B4 L30 THRU L36 | INDUSTRIAL - WAREHOUSE | DENV |

Property Description

| | | | |
|------------------------------|--------|----------------------------|-------|
| Style: | OTHER | Building Sqr. Foot: | 14063 |
| Bedrooms: | | Baths Full/Half: | 0/0 |
| Mill Levy: | 81.547 | Basement/Finish: | 0/0 |
| Lot Size: | 21,875 | Zoned As: | IB |
| Effective Year Built: | 1974 | Document Type: | |

Note: Valuation zoning may be different from City's new zoning code.

3995 HIGH ST

| Owner | Schedule Number | Legal Description | Property Type | Tax District |
|--|-----------------|---------------------------------|---------------------------|--------------|
| 3939 WILLIAMS BUILDING CORP 1717 E 39TH AVE DENVER , CO 80205-3401 | 0223403023000 | L 37 TO 40 BLK 4 PROVIDENT PARK | INDUSTRIAL - MEAT PACKING | DENV |

Property Description

| | | | |
|------------------------------|--------|----------------------------|------|
| Style: | OTHER | Building Sqr. Foot: | 4050 |
| Bedrooms: | | Baths Full/Half: | 0/0 |
| Mill Levy: | 81.547 | Basement/Finish: | 0/0 |
| Lot Size: | 12,500 | Zoned As: | IB |
| Effective Year Built: | 1973 | Document Type: | QC |

Note: Valuation zoning may be different from City's new zoning code.



TO: Land Use, Transportation, & Infrastructure Committee
FROM: Andrew Webb, Senior City Planner
DATE: July 11, 2017
RE: Official Zoning Map Amendment Application #2017I-00001

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00001.

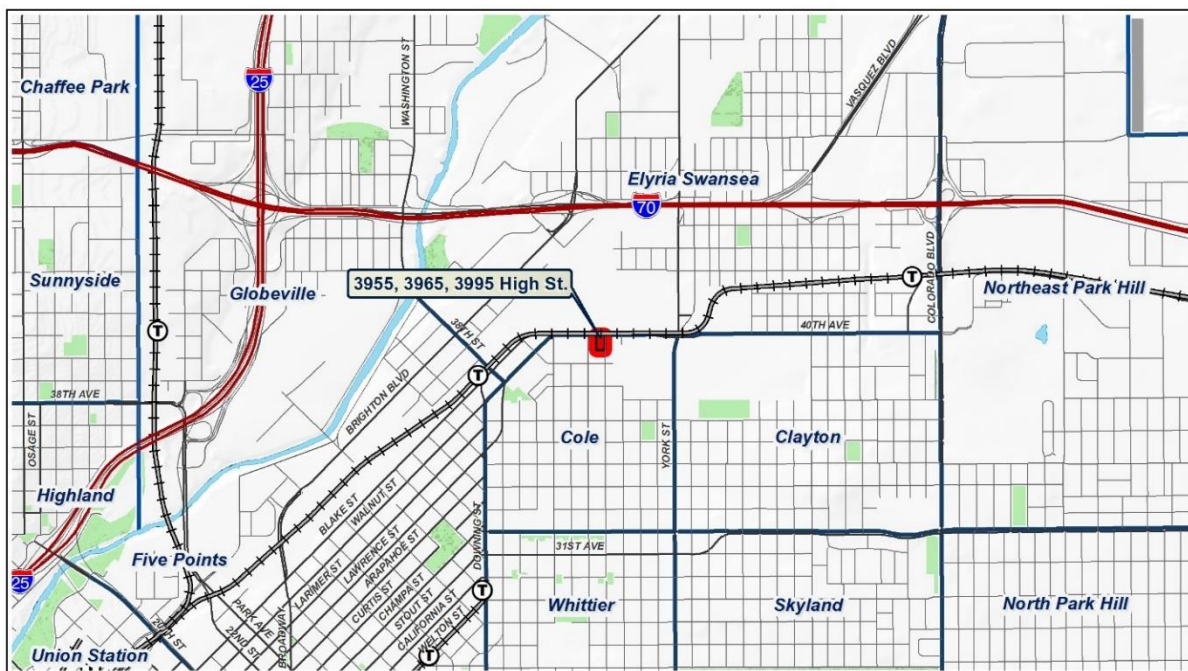
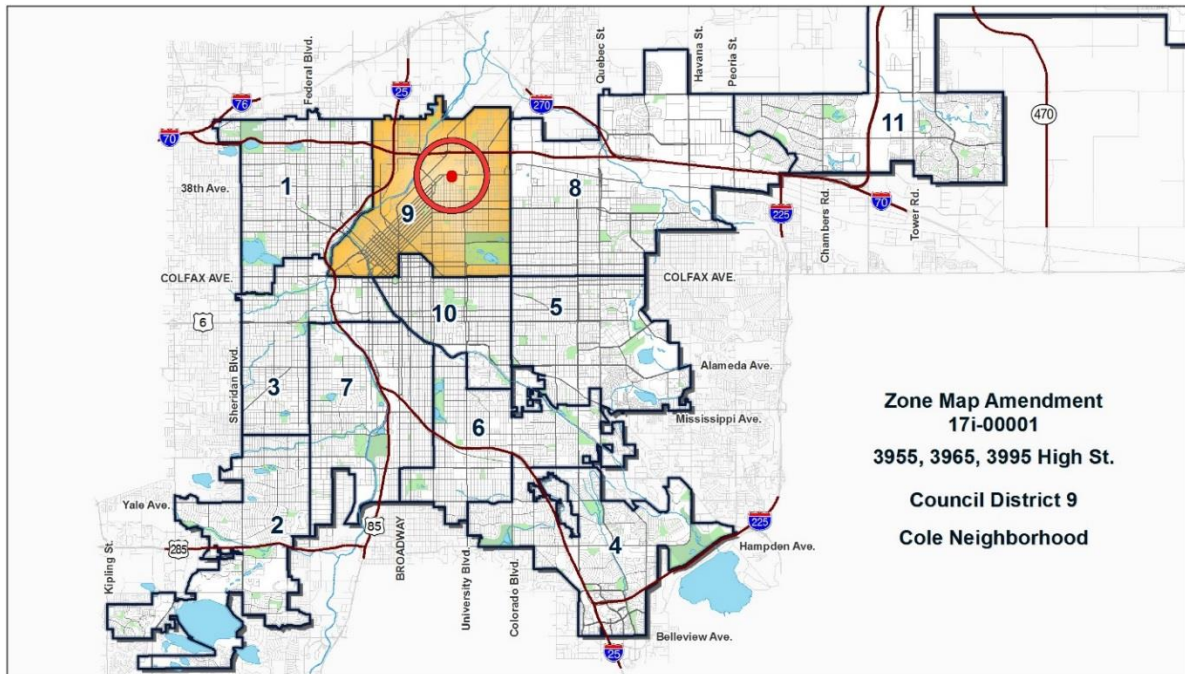
Request for Rezoning

| | |
|--------------------------------|---|
| Address: | 3955, 3965 & 3995 North High Street |
| Neighborhood/Council District: | Cole/Council District 9 |
| RNOs: | Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation (INC), Five Points Business District, United Community Action Network Inc., North Neighborhoods Democratic Council, Cole Neighborhood Association, Elyria Swansea Neighborhood Association, Cross Community Coalition, Elyria Swansea/Globeville Business Association, Comunidades Unidades Globeville Elyria & Swansea. The Points Historical Redevelopment Corp., Cole Neighborhood Association |
| Area of Property: | .79 acres (34,375 square feet) |
| Current Zoning: | I-B UO-2 |
| Proposed Zoning: | I-MX-3 UO-2 |
| Property Owner(s): | 3939 Williams Building Corp. |
| Owner Representative: | Bruce O'Donnell, Starboard Realty |

Summary of Rezoning Request

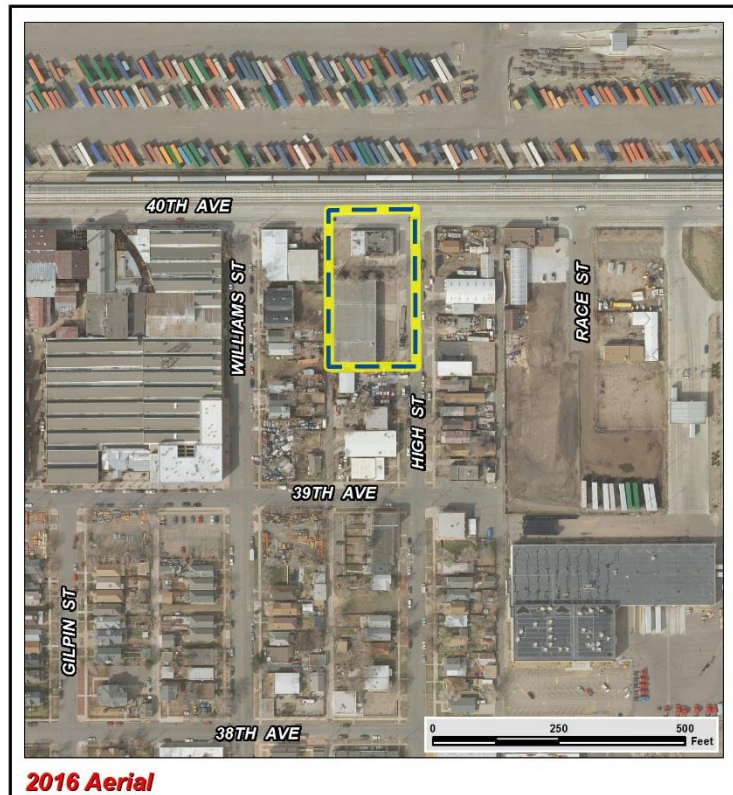
- The subject property is located in the Cole statistical neighborhood, near the intersection of North High Street and East 40th Avenue. It is comprised of two assessor's parcels and occupied by two industrial structures, one single-story and one two-story.
- The existing zoning is I-B UO-2. The UO-2 overlay zone permits billboard signs, but there are no billboards currently located on the property.
- The property owner is requesting the zone change to I-MX-3 UO-2 to allow construction of a parking garage on the site that would serve a large mixed-use redevelopment project in a former industrial complex one block to the west of the subject site. While the existing zoning does permit surface and structured parking uses, development of the lots would be limited by the I-B zone's deep setback requirements.

- The requested base zone district, I-MX-3, is defined as Industrial Context, **Mixed-Use**, **3**-story maximum height, which accommodates industrial and general building forms and is intended to provide a transition between heavier industrial uses in the I-A and I-B zones with development that takes a more pedestrian-oriented form characterized by buildings built up to the street and an active Street Level.



Existing Context

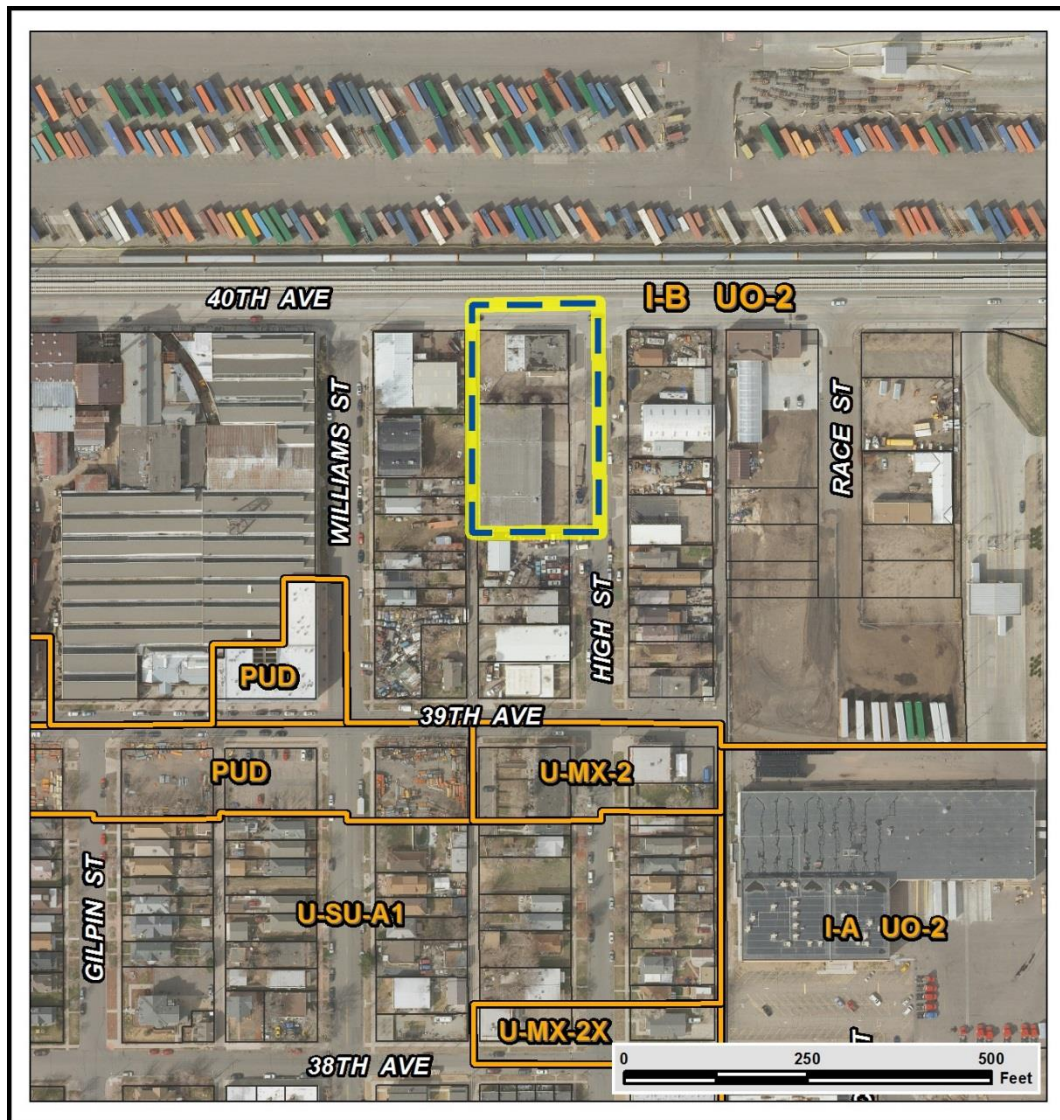
The site is located at the southwest corner of East 40th Avenue and North High Street in an area characterized by a mix of residential and heavy and light industrial uses. It is a few blocks east of the 38th & Blake Commuter Rail station and rapidly redeveloping River North Arts District. To the north of the site is a Union Pacific railroad yard and multi-modal shipping facility. Directly to the west, south and east are a fine-grained mix of industrial, commercial, and single- and multi-unit residential uses on small parcels. Setbacks vary, with some structures situated behind parking areas and others built right at the sidewalk. Many parcels in the area, including some with residential structures, appear to be in use for auto dismantling and scrap material storage. Heavier industrial uses are located further to the



east, and a former major industrial site one block to the west is undergoing an adaptive redevelopment that is related to this rezoning request. Other major land uses in the area include a Coca Cola bottling plant three blocks to the east and the historic Wyatt Academy, an individually designated Denver Landmark structure built in 1887 and located two blocks to the south of the subject site. Transit access includes bus routes on East 40th Avenue serving a station directly adjacent to the site, and nearby north-south service on York Street. The RTD A-line serves the 38th & Blake station, which is about half a mile to the west of the site.

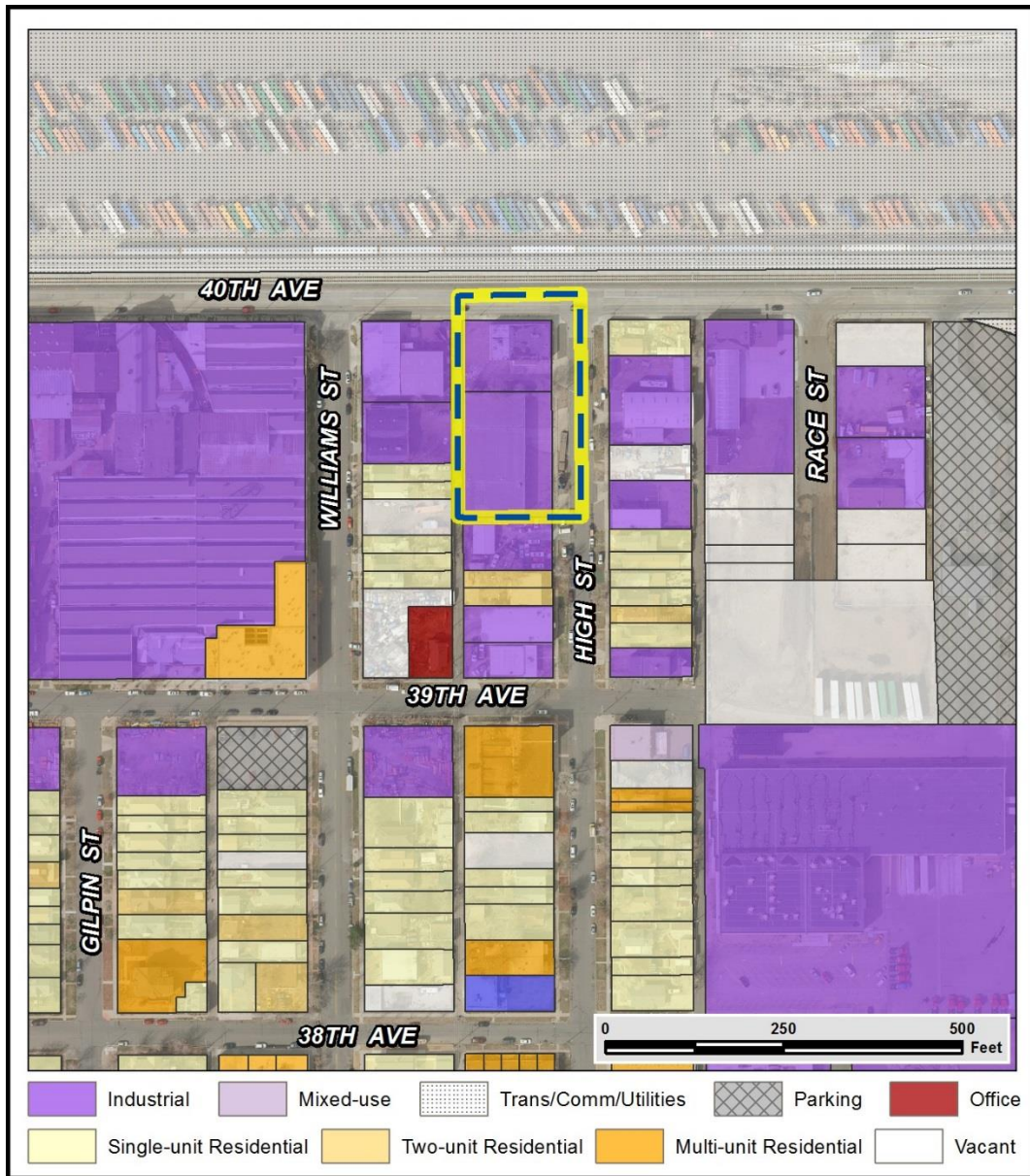
The following table summarizes the existing context proximate to the subject site:

| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|-------|-------------------|---|--|---|
| Site | I-B UO-2 | Light industrial | One single-story industrial structure, one two-story industrial structure. | Consists of a regular pattern of rectangular and square block shapes in an orthogonal grid. Residential blocks are served by alleys. To the north of the subject site, the street grid ends at the railroad yard. To the west, it meets the diagonal downtown grid. |
| North | I-B UO-2 | Union Pacific rail yard and shipping container facility | Shipping container transfer machinery and structures | |
| South | I-B UO-2 | Fine-grained mix of small industrial and commercial uses (e.g. vehicle repair) and single- and multi-unit residential | Small detached homes, 5,000-15,000 square foot industrial and/or commercial buildings | |
| East | I-B UO-2 | Mix of small-scale industrial uses, single and multi-unit residential | Small detached homes, 5,000-15,000 square foot industrial and/or commercial buildings | |
| West | I-B UO-2, PUD 510 | Small scale industrial uses immediately across the alley to west, with unused larger industrial complex and multi-unit residential further west | Small detached homes, 5,000-15,000 square foot industrial and/or commercial buildings. West of Williams Street (about half a block from subject site) is a large industrial complex built in 1928. A portion of that complex (PUD 510) has been redeveloped as condominiums, while the rest consists of two- to three-story brick industrial structures, most of which are not currently in use. | |



1. Existing Zoning

The subject site is currently zoned I-B UO-2. The I-B zone district is an industrial district intended for intensive industrial uses. This zone's 20-foot primary street setback requirement limits development in this area, where existing parcels are approximately 124 feet deep. The UO-2 Billboard Use Overlay District allows "outdoor general advertising signs," or billboards, pursuant to the use limitations of Denver Zoning Code Sec. 10.10.20, Outdoor General Advertising Devices in the Billboard Use Overlay District.



2. Existing Land Use Map

As shown above, existing land uses in the area are a mix of industrial and single- and multi-unit residential. Several vacant parcels are in use for materials, semi-trailer or scrap auto storage.

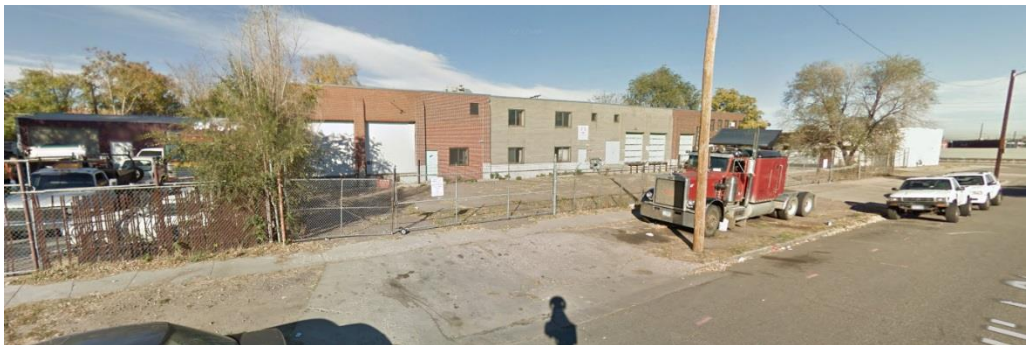
3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the following images. (Source: Google Maps)



45-degree aerial of site, looking northwest. Industrial site in the upper-middle of the image is the redevelopment project related to this rezoning request.

Subject site,
looking
southeast

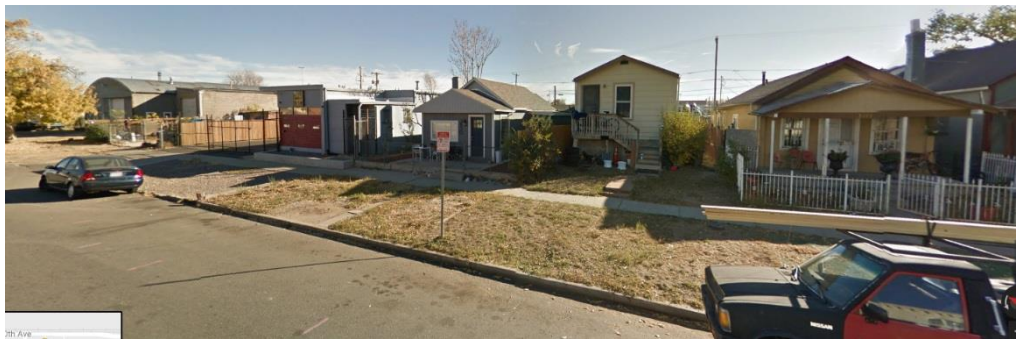


Subject site,
looking
northwest

Properties
across High
Street from
subject site,
looking
southeast



Properties
across High
Street from
the subject
site, looking
northeast



Rear of
subject site
viewed from
intersection
of alley and E
40th Avenue,
looking east



Property to
rear of
subject site,
viewed from
intersection
of alley and E
40th Ave,
looking west



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: Approved – No Comments

Public Works – City Surveyor: Approved Rezoning Only – Will require additional information at Site Plan Review. Legal description accurately describe zone lots with the addresses 3955, 3965 and 3995 N High Street.

Public Review Process

| | Date |
|---|----------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations: | 4/9/17 |
| 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 and registered neighborhood organizations: | 6/5/17 |
| Planning Board Public Meeting | 6/21/17 |

- **Registered Neighborhood Organizations (RNOs)**
 - The RNOs identified on page 1 of this report were notified of this application.
 - The Cole Neighborhood Association (CNA) indicated in a May 17 e-mail that they had voted to support this rezoning request.
- **Other Public Comment**
 - As of the date of this staff report, no further public comment had been received.

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 plans apply to this property:

Denver Comprehensive Plan 2000 (2000)

Blueprint Denver (2002)

River North Plan (2003)

38th & Blake Station Area Plan and subsequent Height Amendments (2009, 2016)

Elyria and Swansea Neighborhoods Plan (abutting, 2015)

Denver Comprehensive Plan 2000

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

- 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. (p 60)*
- Mobility Strategy 4-E: *Continue to promote mixed-use development, which enables people to live near work, retail and services. (p 78)*
- Legacies Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated. (p 99)*
- Vision of Success – Congruency of land use and zoning: *Ongoing clarification of the Zoning Ordinance in a process linked to a citywide land-use plan will eventually result in a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas. (p 54)*
- Vision of Success – Compact Development: *Development and redevelopment of urban centers present opportunities to concentrate population and land uses within a limited geographic space [and] will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (p 55)*

The proposed I-MX-3 zone district will increase the feasibility of development on this smaller industrial site, in keeping with the existing fine-grained mix of residential and industrial uses in the immediate area. It will help create further opportunities for mixed-use development in an area that has already seen some redevelopment of former industrial structures into residential uses, and will help support redevelopment of a nearby industrial complex of prewar structures.

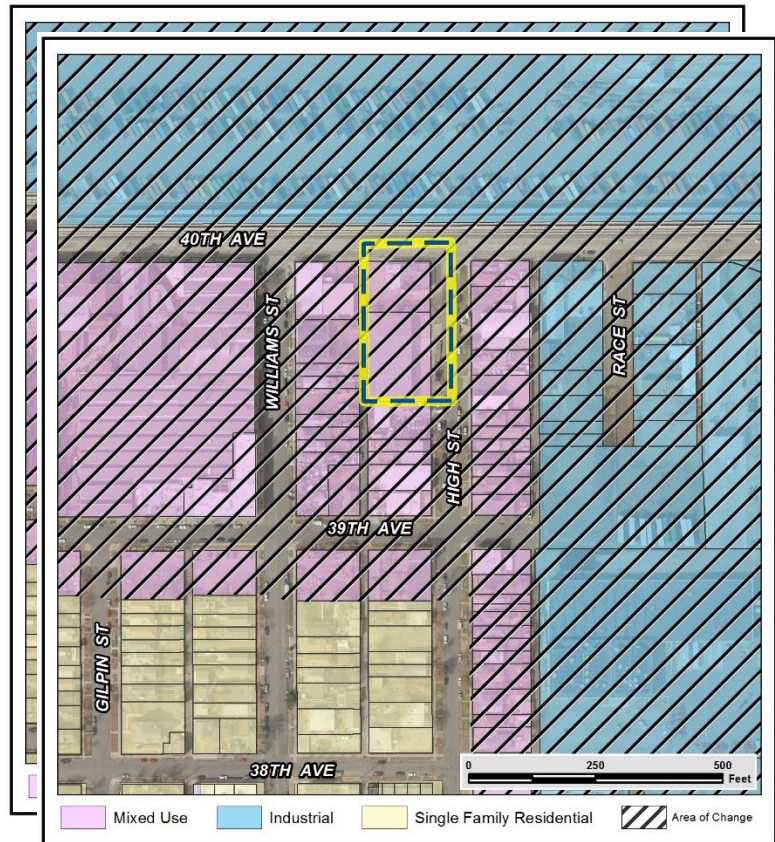
Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Mixed Use and is located in an Area of Change.

Future Land Use

According to Blueprint Denver, future development in areas with the concept land use of “Mixed-Use” will be characterized by higher intensity development with “residential and non-residential uses within walking distance of one another” and a mix of employment and housing uses. (p 41)

This proposed rezoning to I-MX-3 is consistent with Blueprint Denver’s concept land-use for this area, as it allows for a mix of industrial, commercial, civic and residential uses to develop in a pedestrian-oriented pattern, with buildings up to the street and an active street level. It will also support redevelopment that provides a buffer between very intense industrial and transportation uses to the north of the subject site and the single-unit residential neighborhoods that begin a block to the south.



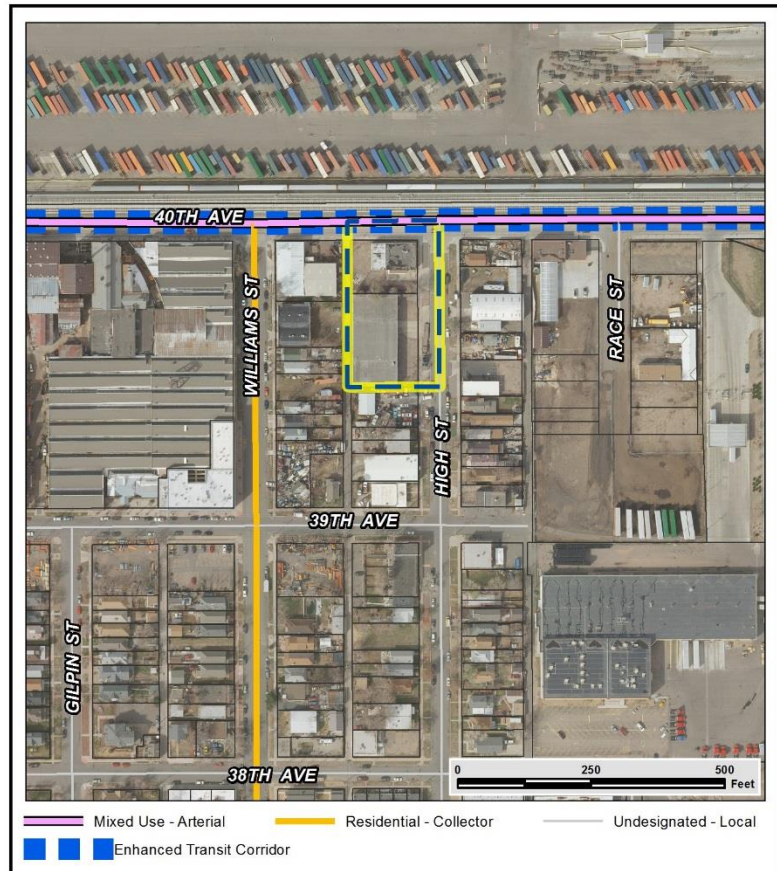
Area of Change / Area of Stability

As noted above, Blueprint Denver designates the subject site and immediately surrounding area as an “Area of Change.” The site is within what is designated generally by Blueprint as the North Industrial Area, parts of which Blueprint asserts should be converted to mixed use to buffer adjoining residential areas and encourage the redevelopment of vacant land in use for junkyards and storage (p 136). The overarching goal of Blueprint Denver is to direct growth toward Areas of Change, “where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (pg. 127). This proposed rezoning is consistent with the Areas of Change intent, as it will allow for industrial-focused mixed-use in an appropriate location with an existing mix of industrial and residential uses and several transit options.

Street Classifications

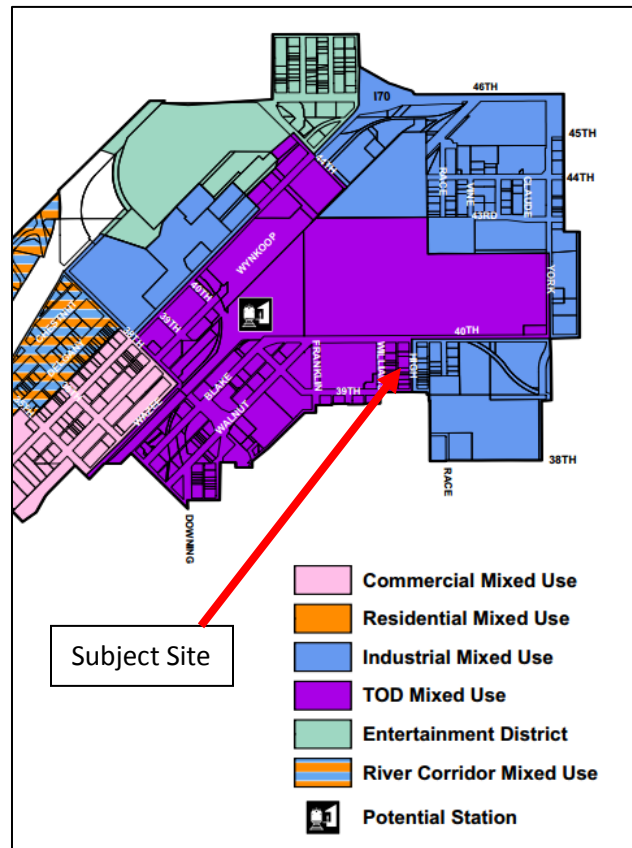
The site is at the southwest corner of 40th Avenue and High Street and access is currently provided from both streets. 40th Avenue is designated by Blueprint as a Mixed-Use Arterial and Enhanced Transit Corridor, while High Street is an undesignated Local Street. According to Blueprint, arterial streets are designed to provide a high degree of mobility and generally serve longer vehicle trips

with higher traffic volumes (p 54). The addition of the “mixed-use” qualifier identifies streets that serve high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity, and which emphasize a variety of travel modes, including cycling and transit (p 57). The design features of local streets are typically tailored to providing local access, and mobility is typically incidental, involving relatively short trips at lower speeds to and from other streets. The two streets serving this (and the alley that it abuts) are appropriate to serve mixed-use development in this area. Access from the subject site to the related redevelopment project a block to the west is provided by 40th Avenue and by 39th Avenue, which is also an undesignated local street.



Small Area Plan: River North Plan

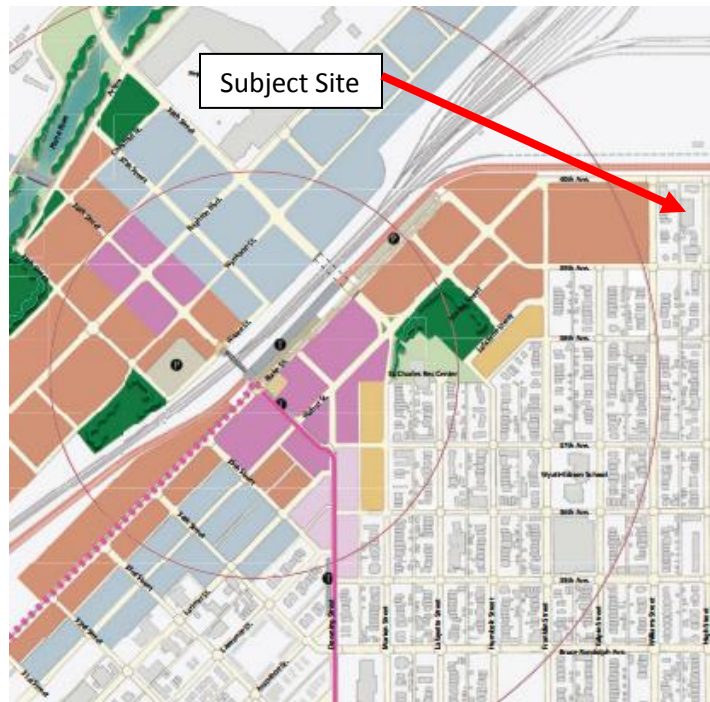
The River North Plan was adopted in June 2003 to establish policies for the area northwest of downtown Denver between Park Avenue West and the interchange of Interstate 70 and Brighton Boulevard. At the time, the industrial area was beginning to experience an influx of arts- and entertainment-related commercial activity and high-density residential infill. The River North Plan made recommendations for regulatory and infrastructure improvements to accommodate this growth, such as reconfiguration of Brighton Boulevard to better serve pedestrians, cyclists and transit; recommendations for mixed-use zone districts to guide redevelopment; and enhancing the South Platte River corridor. The plan identified several parcels comprising the subject site and surrounding areas as “underutilized” (p 34), and set forth a redevelopment vision for the area characterized as “Transit-Oriented Mixed-Use,” near what would later become a RTD commuter rail station (38th & Blake). The proposed I-MX-3 zoning would allow mixed use development at this location and is consistent with the River North Plan’s development vision for the area. It also advances several plan goals, such as “build upon the unique land uses that exist and identify redevelopment sites and opportunities that foster the creation of a compatible mix of uses” (p 59).



Detail of River North Plan Land Use Concept Map

Small Area Plan: 38th & Blake Station Area Plan

By 2009, plans for the RTD commuter rail line passing through the River North district had been further refined, and the station location had been moved slightly to the south and west of the location proposed in the River North Plan. The 38th & Blake Station Area Plan was adopted to establish updated recommendation for mobility improvements and zoning aimed at encouraging mixed-use transit-oriented redevelopment in the sub-area within ½ mile of the station. Though the subject site was technically just outside the plan’s focus area, the proposed I-MX-3 zoning is consistent with that plan’s vision for mixed use with a residential focus in the area, as it will support the redevelopment of the related industrial site to its west, which is within the 38th & Blake Plan’s focus area.



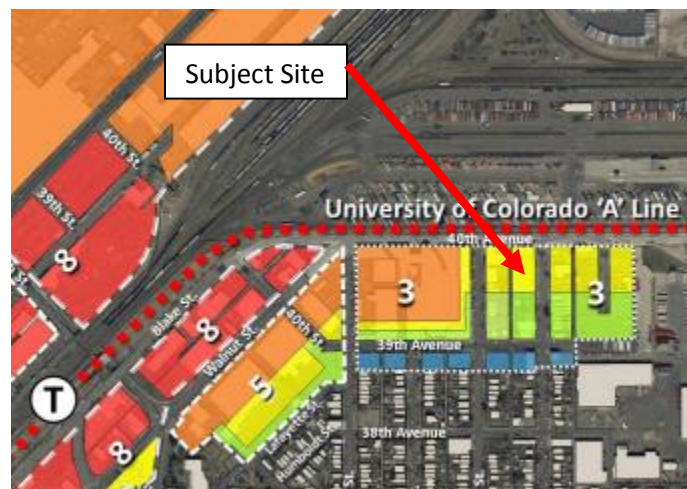
LEGEND

| | | |
|-------------------------|------------------------------|--------------------------|
| Mixed Use -TOD Core | Mixed-Use - Employment | |
| Mixed Use - Main Street | Open Space and Parks | New Open Space and Parks |
| Mixed Use - Residential | New Open Space and Parks | |
| Urban Residential | FasTracks East Corridor Line | |

Detail of 38th & Blake Future Land Use Map

Small Area Plan Addendum: 38th & Blake Station Area Plan Height Amendments

The 38th & Blake A Line RTD station opened in April 2016, bringing increased redevelopment interest to the area, with a focus on high-density residential uses. A set of new recommendations for building heights was adopted in September 2016 to clarify and support existing building form and scale policies for the area. It also proposed a framework for encouraging community-desired mixed-income housing, based on a system of incentivizing affordable housing production with bonus building heights. The 38th & Blake Station Area Plan Height Amendments recommended that the subject site area have a maximum “base height” of 3 stories, with allowances for up to 8 stories providing certain affordable housing requirements are met (p 7). These requirements, and a set of Zoning Code amendments to implement them, are still



Detail of 38th & Blake Base Height Recommendations

under development. The City Council is expected to consider them for adoption in late 2017 or early 2018. The zoning proposed for the subject site is in conformance to the base height recommendations of the 38th & Blake Station Area Height Amendments for this area (3 stories).

Small Area Plan: Elyria and Swansea Neighborhood Plan

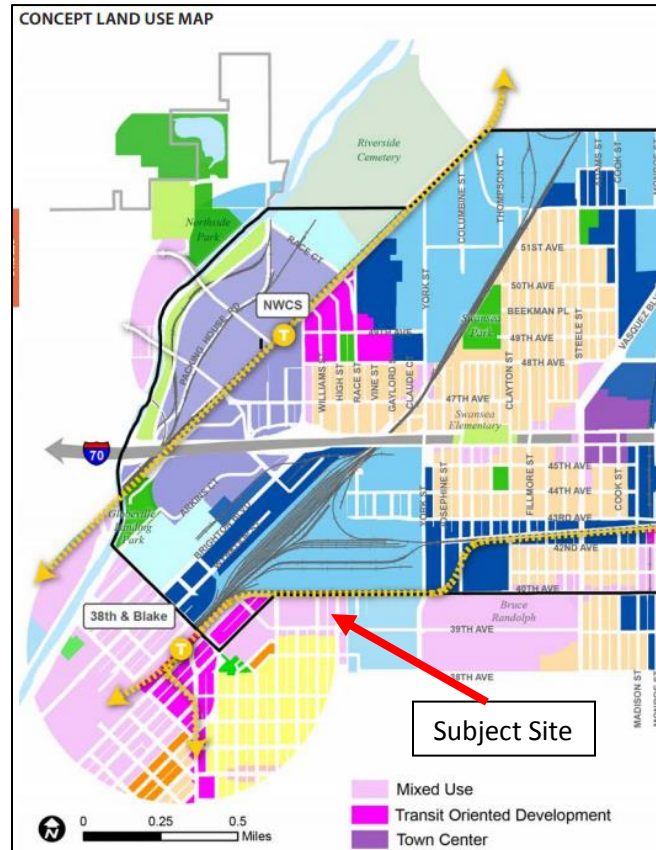
Adopted in 2015, this plan is primarily focused on strengthening the Elyria and Swansea neighborhoods, whose southern boundaries are 40th Avenue, north of the subject site. Though the site is not technically within the Elyria and Swansea Neighborhood Plan area, its concept land use map does address areas outside the formal neighborhood boundary, including the subject site. It recommends this area develop as “Mixed Use” (p 26), with higher-intensity development that provides an employment base. Reflecting the area’s fine-grained block pattern, the plan noted that “pedestrian access is important within [mixed use] areas, with residential and non-residential uses always within short walking distances of each other. The proposed I-MX-3 zoning is consistent with these plan recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-MX-3 will result in the uniform application of zone district building form, use and design regulations in this larger Industrial Neighborhood Context.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by implementing the mixed-use concept land use recommendations of multiple plans as described above. Additionally, it establishes modern site design requirements that will enhance the walkability of future development, and could encourage ongoing redevelopment of neighboring sites from industrial and materials storage uses to a pedestrian-friendly mix of residential and commercial uses that would be more compatible with existing single- and multi-unit residential uses in the immediate area.



Detail of Elyria and Swansea Area Plan Concept Land Use Map

4. Justifying Circumstance

This application for rezoning proposes that the change is justified because the land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area (DZC, Sec. 12.4.10.8.A.4). Once characterized by primarily medium-intensity industrial uses, the River North District and its surroundings have seen considerable mixed-use infill development and adaptive reuse in the last decade. This activity has intensified with the recent opening of the RTD A Line station at 38th & Blake. Staff agrees that rezoning the property from its current I-B Zone District is appropriate as this area transitions into a vibrant, mixed-use community envisioned by multiple plans affecting the subject site.

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

Neighborhood Context Description

The Industrial Context consists of areas of industrial uses typically characterized by irregular patterns of larger blocks. The requested I-MX-3 zone is within the Industrial Mixed-Use District of the Industrial Neighborhood Context, intended for a more urban context with a rectangular street grid and alley access. The proposed rezoning is consistent with the neighborhood context and description.

Zone District Purpose and Intent

The Industrial Mixed-Use zone districts are “intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level” (p 9.1-2) and serve as a transition between heavier industrial development in the I-B District and mixed-use areas. The requested rezoning is consistent with the intent of the Mixed-Use Districts because the site and its immediate context are characterized by a more pedestrian-friendly street pattern and an existing fine-grained mix of industrial, residential and commercial uses.

Planning Board

During a hearing held on Wednesday, June 21, the Planning Board voted 7 to 2 to recommend approval of this proposed rezoning.

Attachments

1. Application
2. E-mail from Cole Neighborhood Association