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TO: City Council Land Use, Transportation, and Infrastructure Committee
FROM: Tony Lechuga, Senior City Planner
DATE: December 1, 2022
RE: Official Zoning Map Amendment Application #2022I-00124

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00124.

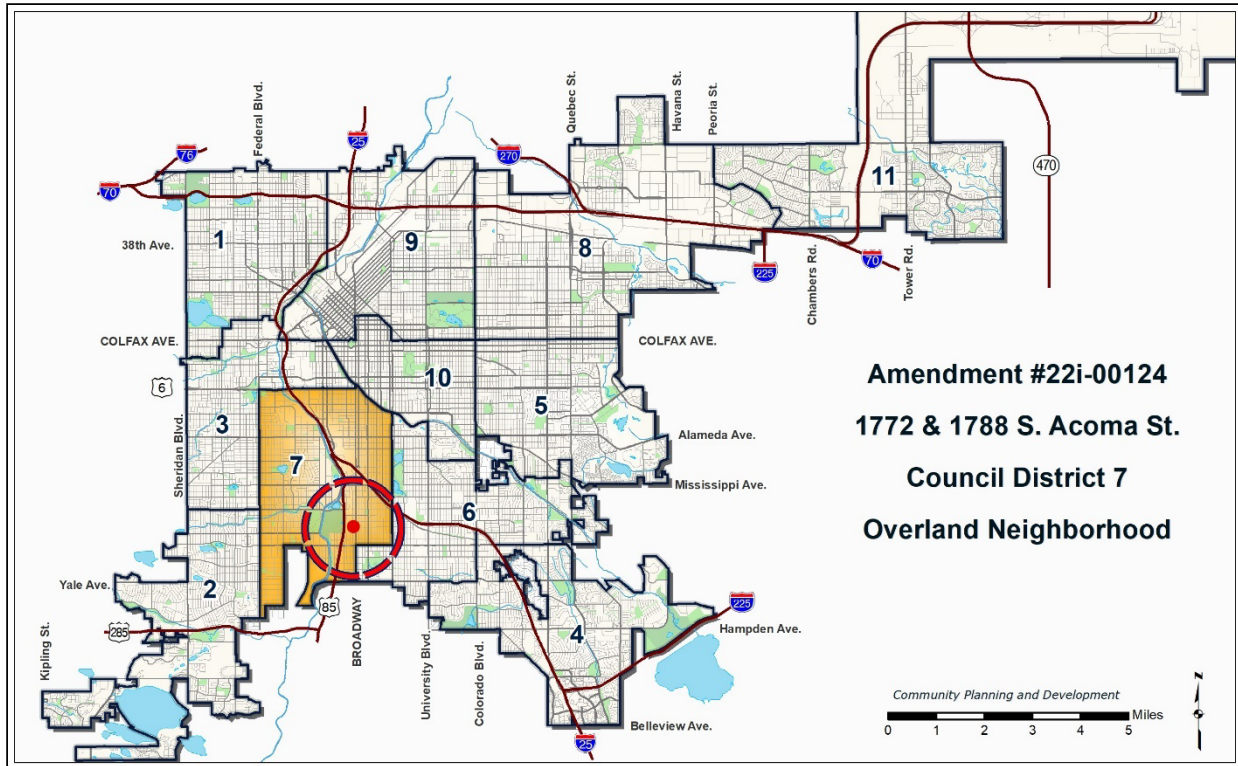
Request for Rezoning

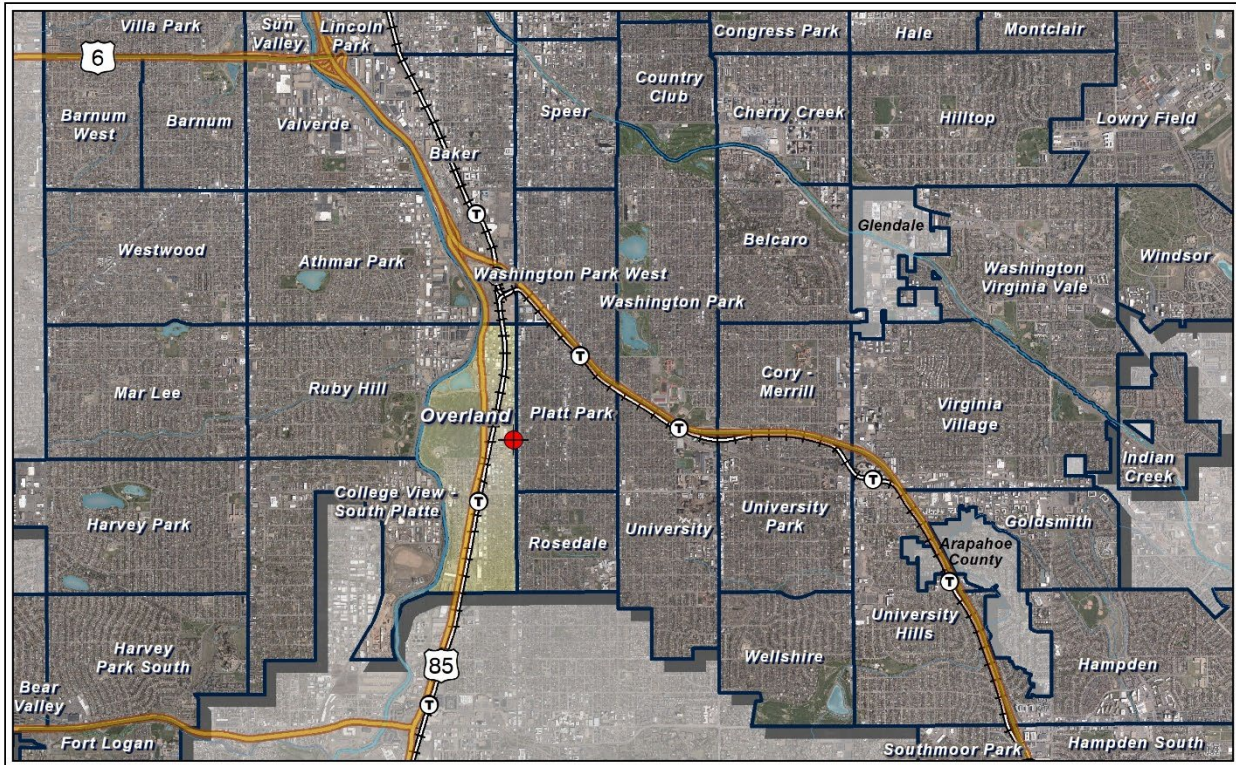
Address: 1772 & 1788 South Acoma Street
Neighborhood/Council District and CM: Overland Neighborhood / Council District 7, CM Clark
RNOs: Platt Park People's Association (3PA), Overland Park Neighborhood Association, Inter-Neighborhood Cooperation; Strong Denver
Area of Property: 15,610 square feet or 0.36 acres
Current Zoning: I-A, UO2
Proposed Zoning: I-MX-5
Property Owner(s): Dave Coldiron
Owner Representative: Justin Archuletta

Summary of Rezoning Request

- The property is in the Overland statistical neighborhood at the northeast corner of West Colorado Avenue and South Acoma Street.
- The property consists of two lots each containing a single-unit residential structure.
- The applicant is requesting this rezoning to enable mixed-use redevelopment.
- The proposed zone district, I-MX-5, stands for **I**ndustrial, **M**ixed Use, with a maximum height of **5** stories. The I-MX zone district is a mixed-use zone district that allows a wide range of light industrial, residential, and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The I-MX-5 zone district allows up to 5 stories and 70 feet in building height. Further details of the zone district can be found in Division 9.1 of the Denver Zoning Code (DZC).

Existing Context



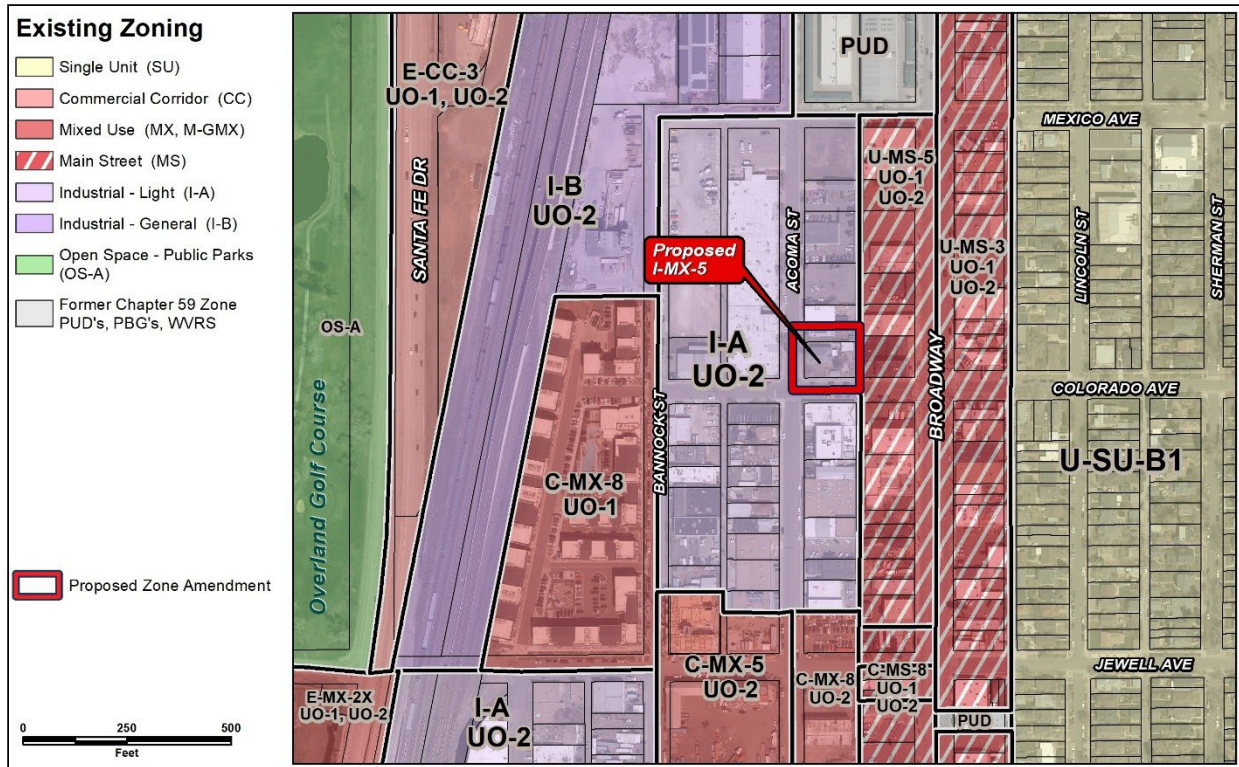


The subject property is located within the Overland neighborhood, at the northeast corner of West Colorado Avenue and South Acoma Street. Significant public and private reinvestment along South Broadway (one block east of the subject property) in recent years suggest this area is continuing to transition from mostly industrial to more mixed-use in nature. The subject site has approximately 125 feet of frontage along South Acoma Street and has a lot depth of approximately 125 feet. The subject property is served by RTD’s frequent bus routes O and OL along South Broadway with stops at the intersection of South Broadway and West Colorado Avenue.

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, UO2	Single-unit residential	Two 1-story single-unit residential homes	The area is served by the Denver street grid and block pattern is regular except for the railroad tracks running southwest/northeast. Major street connections are provided to South Broadway and South Santa Fe Drive.
North	I-A, UO2	Industrial	2-story brick building	
South	I-A, UO2	Industrial	Across West Colorado Avenue – 1-story brick building	
East	U-MS-5, UO1, UO2	Industrial & Commercial/Retail	On South Broadway – the corner building is a 2-story brick antique furniture; further into the block is a 1-story brick antiques warehouse	
West	I-A, UO2	Industrial	1-story brick building housing a sign printing shop	

1. Existing Zoning

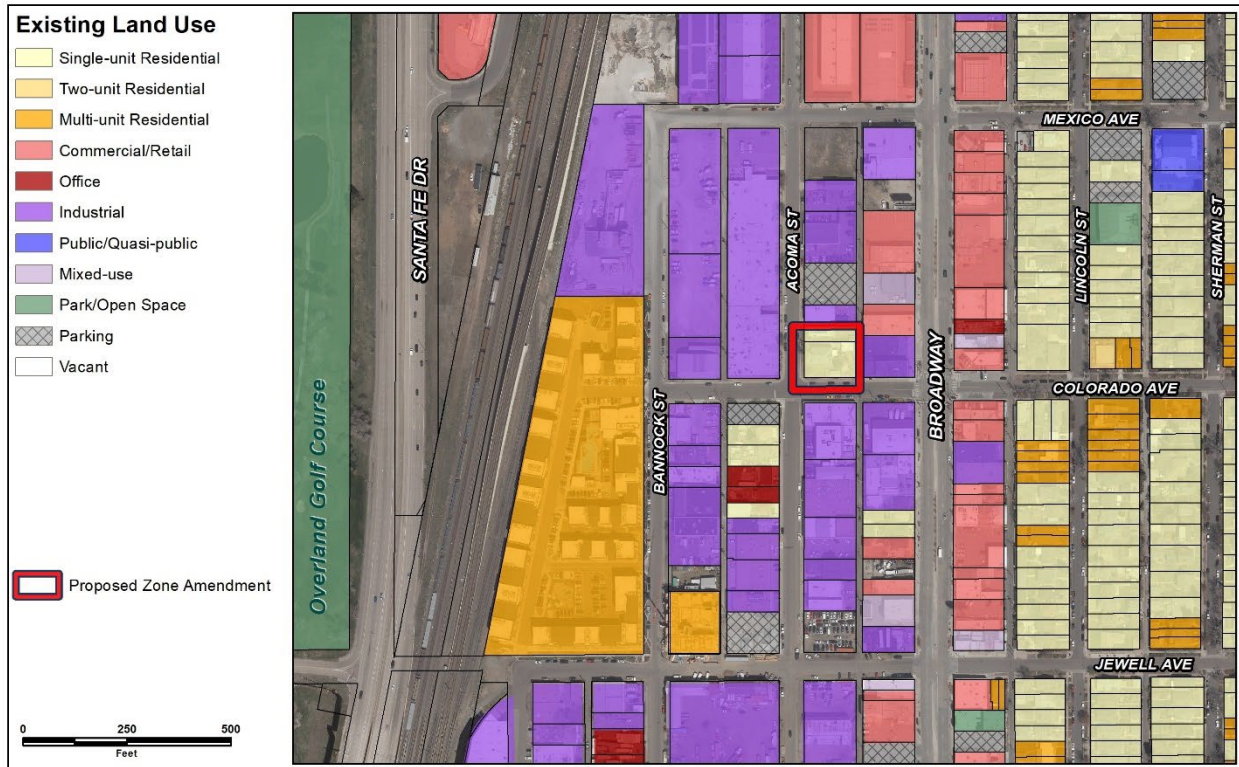


The existing zoning on the subject property is I-A, UO-2 which is a light industrial district that allows office, business, and light industrial uses with the billboard use overlay. Residential uses are only permitted in the light industrial zone where a residential structure existed prior to July 1, 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 not within 175 feet of a protected zone district. 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 and primary and side streets. The UO-2 is a billboard use overlay and there is currently no billboard on the subject property.

2. View Plane

The subject property is within the Washington Park View Plane which regulates the site to a maximum height of 115 feet; however, the proposed zoning would limit new development to 70 feet or 95 feet with incentives as noted later in this report.

3. Existing Land Use Map



The existing land use on the subject property and many surrounding properties is industrial with occasional vacant and office uses. Some single-unit residential uses, mostly constructed in the late 1890s, are also in existence along South Acoma Street. Commercial/retail, mixed-use and office uses are focused along South Broadway. There is a large multi-unit residential development built in 2017 along South Bannock Street and West Jewell Avenue at the former Shattuck Superfund Site.

4. Existing Building Form and Scale



View of the subject property, looking east. (Source: Google Maps)



View of the property to the north, looking east. (Source: Google Maps)



View of the property to the south across West Colorado Avenue, looking east. (Source: Google Maps)



View of the property to the east on South Broadway, looking west. (Source: Google Maps)



View of the property to the west across South Acoma Street, looking northwest. (Source: Google Maps)

Proposed Zoning

The requested I-MX-5 zone district has a maximum height of 5 stories or 70 feet with allowable encroachments, exceptions, and incentives. A variety of residential, commercial, and industrial uses are allowed, with limitations. Under the general building form, the requested district does not allow surface parking between the building and primary street. For additional details regarding building form standards in the I-MX-5 zone district, see DZC Section 9.1.3.

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

Design Standards	I-A, UO2 (Existing)	I-MX-5 (Proposed)
Primary Building Forms Allowed	General, Industrial	Town House; General; Industrial
Height in Stories / Feet (max)	N/A, except max height of 75' within 175' of a protected district	5 stories/70'*
Primary Street Build-To Percentages (min)	N/A	50%**
Primary Street Build-To Ranges	N/A	10' to 15'- Town House 0' to 10' – General
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	20'	10' – Town House 0' – General 0' – Industrial
Floor Area Ratio (Max)	2:1 FAR	N/A

* The zone district allows incentive heights up to 7 stories and 95 feet in the general building form with the provision of enhanced affordable housing.

**Standard varies between building forms

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:

Community Planning and Development: Approved - No Comments

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

Public Works – R.O.W.- City Surveyor: Approved – No Comments

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

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Comments

Zoning: Approved – No Comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	8/30/22
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:	11/1/22
Planning Board public hearing	11/16/22
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 (10) working days before the meeting:	11/25/22
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	12/6/22
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:	1/9/22 (tentative)
City Council Public Hearing:	1/30/22 (tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date staff has received no comments from RNOs.
 - **General Public Comments**
 - To date staff has received one public comment in support of the rezoning which emphasized this site as a transitional area to the residential neighborhood.

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 apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Shattuck District Plan (2002)*
- *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 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).*

The proposed rezoning would enable mixed-use development at a location where services and infrastructure are already in place. The proposed I-MX-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 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).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

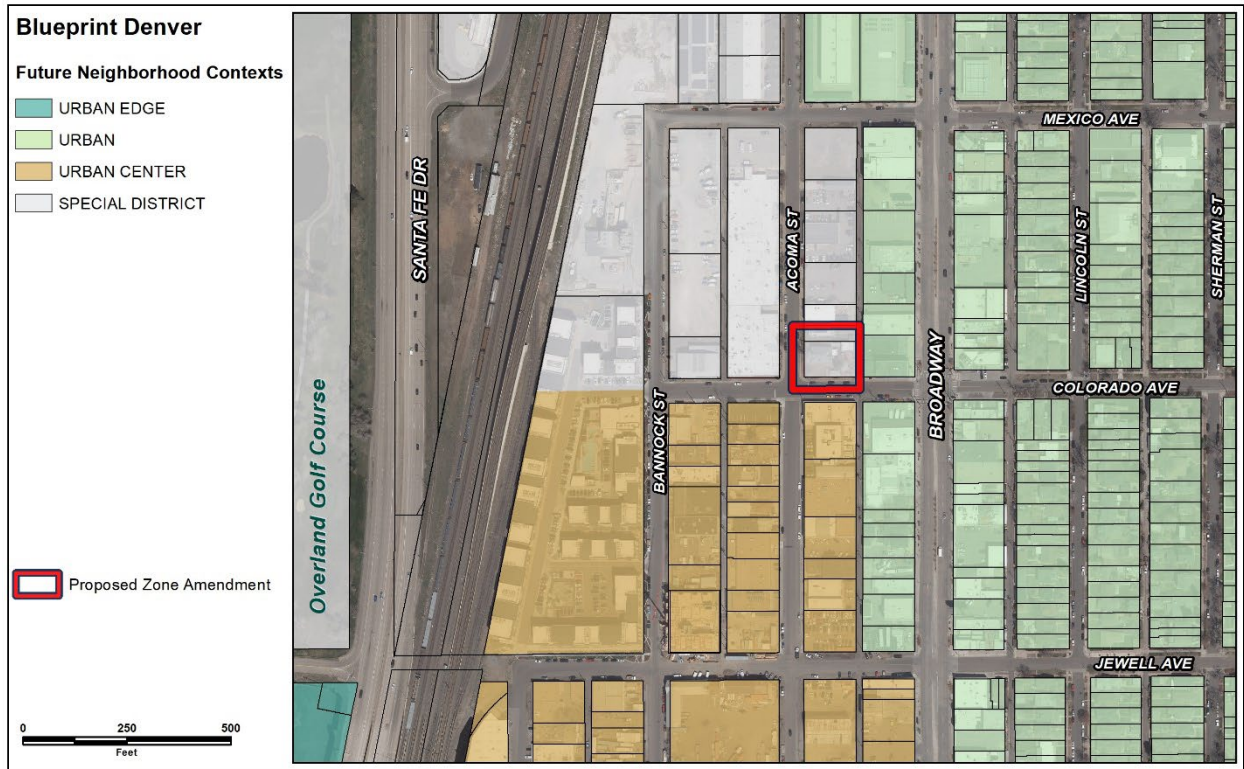
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high and medium-capacity transit corridors* (p. 54).

The requested map amendment will enable mixed-use development at a location where infrastructure is already in place. The requested zone districts broaden 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

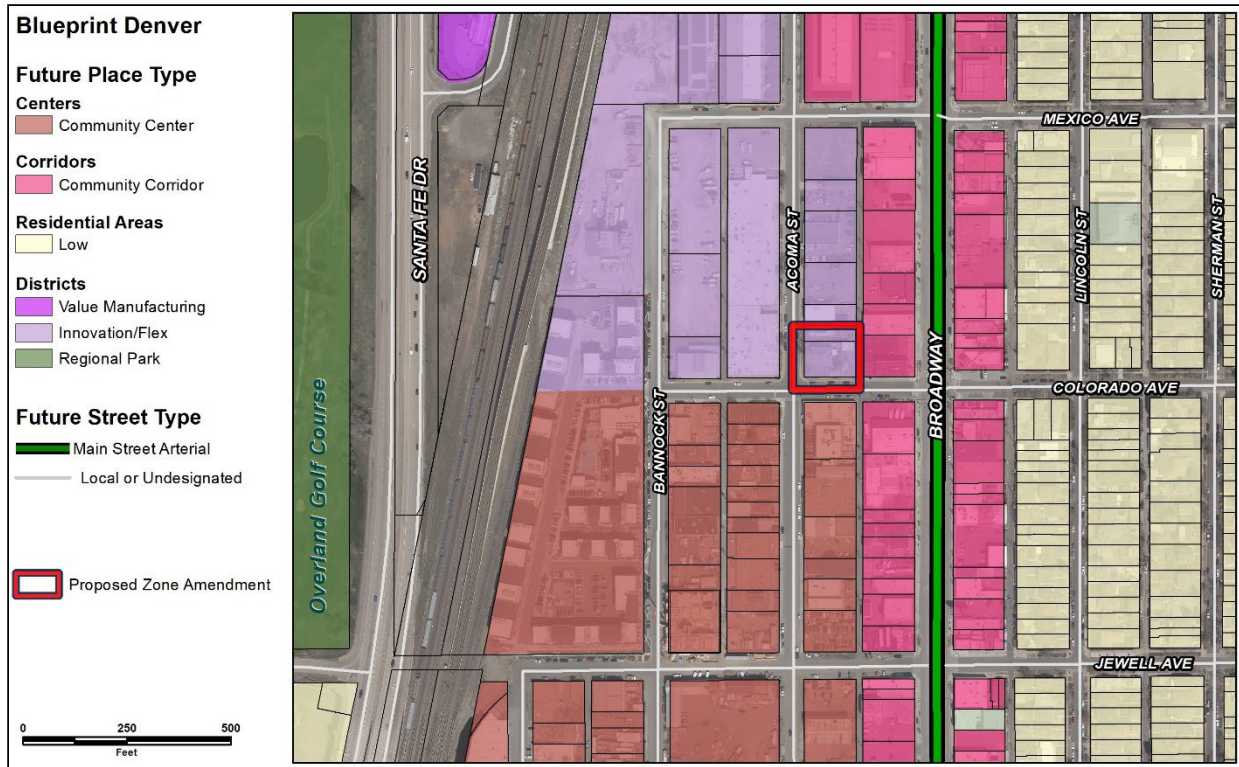
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of an Innovation/Flex place within the District context and provides 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 District context. *Blueprint* states, “Districts are areas with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas. Residential uses are largely limited to the campus and innovation/flex districts” (p. 280). The proposed I-MX-5 zone district is appropriate for the District 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 realm” and “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.” (DZC 9.1.2.1). Since the proposed I-MX-5 zone district allows for a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to I-MX-5 is consistent with the District context designation.

Blueprint Denver Future Places



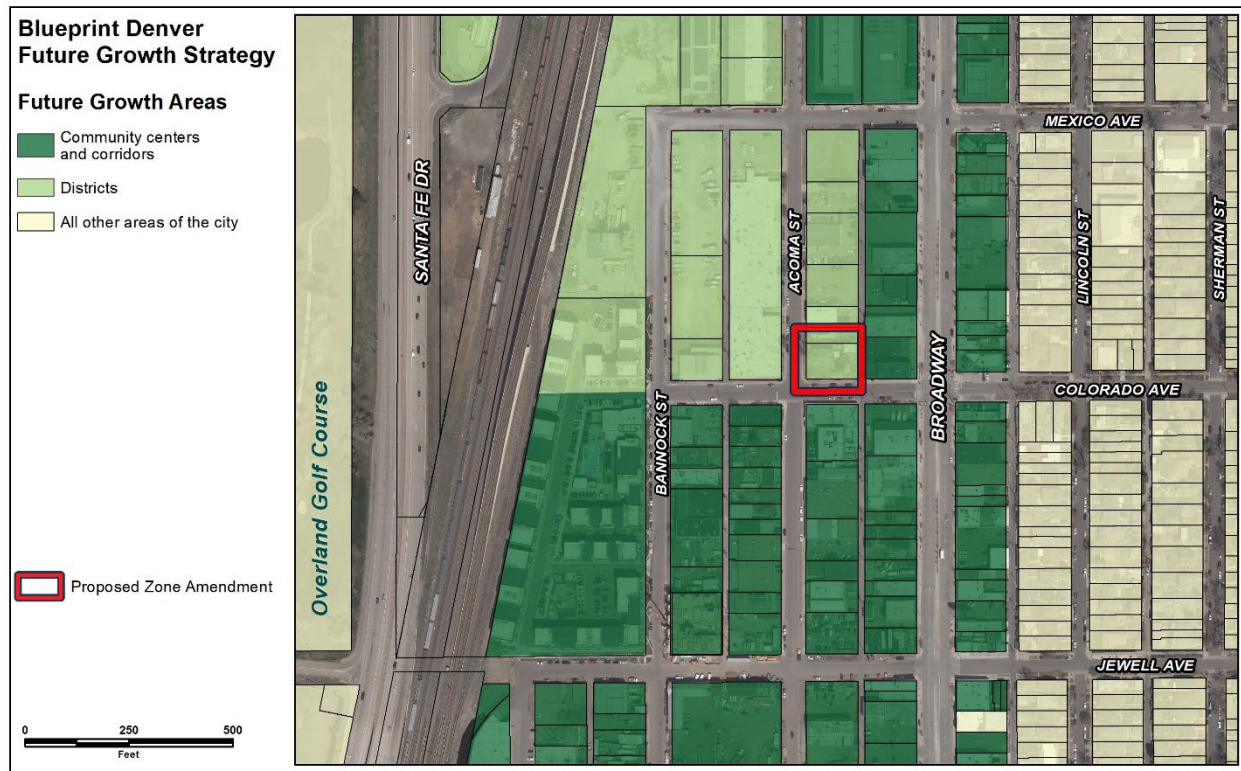
Blueprint Denver describes the Innovation/Flex district in the District context as “an ideal location for businesses that need to mix research/design, manufacturing and logistics with an area that has more urban amenities, a greater mix of uses and strong transit connections” (p. 284). Additionally, “multi-unit residential is compatible” in Innovation/Flex areas, which are characterized by a “reduced intensity of use and the desire to create more vibrant urban places” (p. 284). As mentioned in the Land Use & Built Form: Economics Policy 1 Strategy A, “residential uses are appropriate in innovation/flex districts” (p. 91). Strategy D continues, “Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts” (p. 91).

The proposed I-MX-5 zone district allows for a variety of industrial, commercial, and residential uses in a pedestrian-oriented pattern with an active street level. *Blueprint Denver* notes that in Innovation/Flex areas, “building scale varies greatly, and can be dependent upon the surrounding context and character” (p. 285). The surrounding buildings are currently lower than the five-story maximum height allowed under I-MX-5, but the current entitlement for these buildings potentially allows buildings much taller in the areas zoned I-A surrounding the subject property. The I-MX-5 is appropriate given the subject properties location adjacent to the plan guidance for community corridor along Broadway. Buildings in the I-A zone district are limited by a maximum floor area ratio of 2.0, rather than a maximum height, except when located in proximity to a protected district. Therefore I-MX-5 is appropriate for an Innovation/Flex location.

Street Types

Blueprint Denver classifies West Colorado Avenue and South Acoma Street as local or undesignated streets. 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). One block to the east, Broadway is designated as a main street arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Innovation/Flex districts provide for a land use intensity that is appropriately placed along local streets with access to strong transit connections and neighborhood amenities. Therefore, the proposed district is consistent with the street type 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 property is part of the districts area. Citywide, districts are anticipated to see around 5% of new housing growth and 15% of new employment growth by 2040 (p. 51). *Blueprint* notes that “Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver’s future housing stock” (p.49). The proposed map amendment to I-MX-5 will allow mixed-use growth in an Innovation/Flex district, which is an intended location for this kind of growth and helps to support the future employment and housing growth anticipated by *Blueprint Denver*. Therefore, this proposed rezoning is consistent with the growth strategy.

Blueprint Denver Strategies

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

- Land Use and Built Form – Economics Policy 3, Strategy D – *Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts* (p. 91).

Small Area Plan: *Shattuck District Plan (2002)*

The *Shattuck District Plan* was created to develop a framework for the redevelopment of the former Shattuck Superfund Site, a 6.9-acre area two blocks southwest of the subject property. A multi-unit residential development was completed in 2017 in accordance with the vision of the area plan. While the plan is largely silent on specifics of land use in the area, it does state that “fifteen or twenty years from now should see a redeveloped Shattuck site in a productive mixed-use neighborhood” (p. 4). The proposed I-MX-5 zone district aligns with that broad language.

Small Area Plan: *Overland Neighborhood Plan (1993)*

This neighborhood plan was adopted by City Council in 1993 and applies to the subject property. The plan outlines concerns around providing adequate transition from industrial uses to residential communities. This site currently contains residential uses, but it shown in the plan as area that transitions from industrial to commercial along Broadway. The I-MX-5 zone district supports the plan guidance for a transition from industrial to commercial by allowing a mix of uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-MX-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 Broadway and foster the creation of a walkable, urban area. 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 Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8, “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 a change may include: Changed or changing conditions in a particular area, or in the city generally....”

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 opening of new multi-unit residential projects along South Bannock Street and West Jewell Avenue, in proximity to the RTD station at Evans. Lastly, increasing private 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

Both the I-A and I-MX-5 zone districts fall within the industrial context description set forth in the Code, meaning that the approval of the rezoning will not impact the consistency with the applicable neighborhood context description. It is important to note, in any event, that the industrial context specifically contemplates and includes “areas subject to transitions from industrial to mixed use,” which, as noted above, describes the mixed-use nature of the area in the vicinity of the subject property.

The general purpose of the industrial mixed-use districts, which includes I-MX-5, is to “accommodate a variety of industrial, commercial, civic, and residential uses” and to “provide a transition between mixed-use areas and I-A or I-B Industrial Districts.” (DZC Section 9.1.2.1.A.1.B.–C). The I-MX-5 district zoning will allow the subject property to serve both purposes. As noted above, the mixed-use zoning allows for a smoother transition and visual buffer between the heavier industrial properties to the west and the evolving mixed-use areas along South Broadway to the east. The third purpose statement for the industrial mixed-use districts encourages development in a “pedestrian-oriented pattern, with buildings built up to the street and an active street level.” (DZC Section 9.1.2.1.A.1.a).

The I-MX-5 purpose statement provides that the district is appropriate for “industrially dominated areas served primarily by collector streets.” (DZC Section 9.1.2.1.A.3). As discussed above in conjunction with adopted plans, this Property is near frequent bus service along South Broadway, a main street arterial. As such, the Property may be considered as served primarily by local streets with important access to an arterial street, which is consistent with the stated purpose and intent of the I-MX-5 district.

Attachments

1. Application
2. Public Comments