



**TO:** **Denver City Council**  
**FROM:** Chris Gleissner, Senior City Planner  
**DATE:** April 19, 2011  
**RE:** **Zoning Map Amendment Application #2010I-00023**  
**1042 S Parker Road**  
**Rezoning from S-MU-3 to S-CC-3x**

### **Staff Report and Recommendation**

Based on the criteria for review including conformance with regulations and with adopted City plans, Staff recommends **approval** for Application #2010I-00023 for a rezoning from S-MU-3 to S-CC-3x.

#### **I. Scope of Rezoning**

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Application:	<b>#2010I-00023</b>
Address:	1042 S Parker Road
Neighborhood/Council District:	Windsor Neighborhood / Council District #05
RNOs:	Inter-Neighborhood Cooperation
Area of Property:	2.02 acres / 87,988 square feet
Current Zoning:	S-MU-3
Proposed Zoning:	S-CC-3x
Applicant/Owner:	Eugene Nesbit
Contact Person:	Bob Gollick

#### **II. Summary of Proposal**

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The subject site is located near the northeast corner of the intersection of Quebec Street and S Parker Road. The site is located within the Windsor Neighborhood and surrounded by a mix of residential structures with commercial structures along S Parker Road.

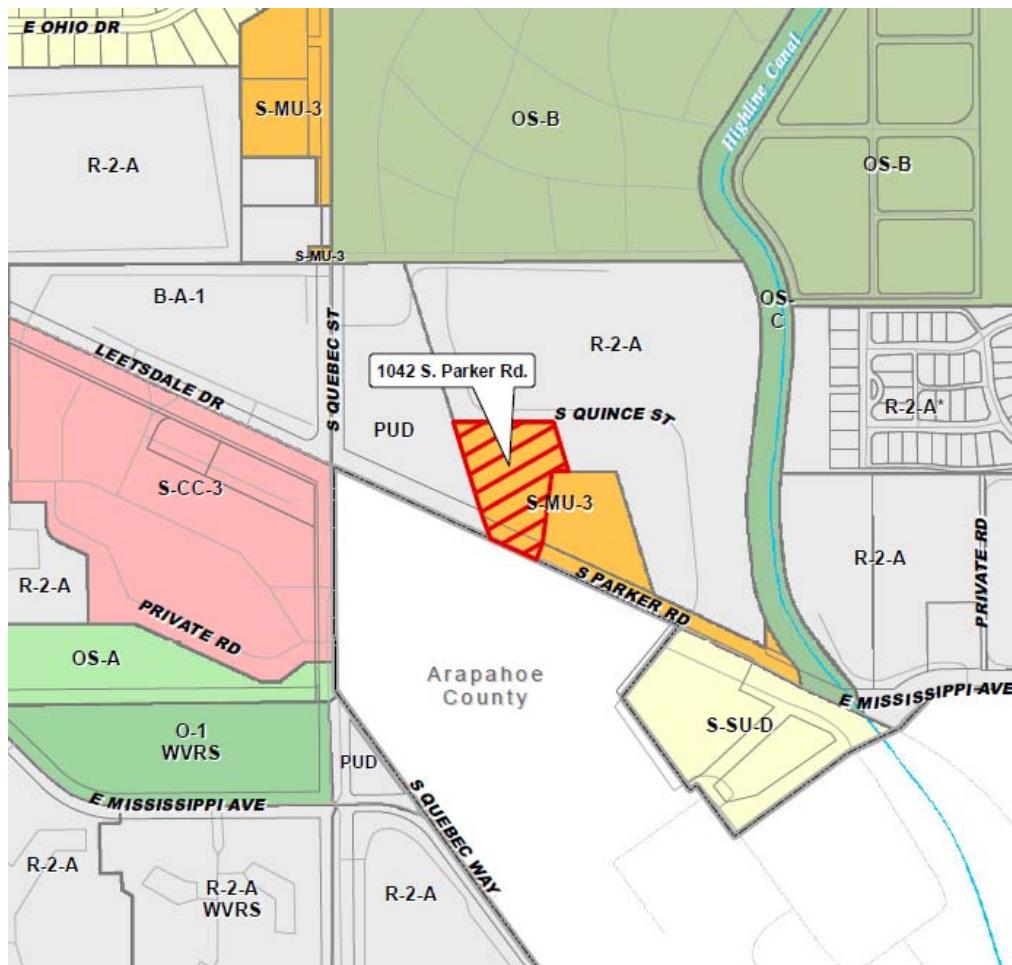
The applicant is proposing a rezoning to better reflect the commercial character of S Parker Road.



The site is located near the northeast corner of Quebec Street and S Parker Road.

### III. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	S-MU-3	Vacant	Single Family Duplex Area of Stability
<b>North</b>	R-2-A	Multi-unit Residential	Single Family Duplex Area of Stability
<b>South</b>	Arapahoe County	Multi-unit Residential	N/A
<b>West</b>	PUD, B-A-1, S-CC-3	Commercial	Neighborhood Center Area of Stability
<b>East</b>	R-2-A	Multi-unit Residential	Single Family Duplex Area of Stability



The site is surrounded by a mixture of multi-unit residential and commercial uses. The surrounding area is Suburban Context based on the pattern of curvilinear streets, lack of a typical street grid and alleys, presence of significant surface parking and deep setbacks. S Parker road is identified in Blueprint Denver as a Commercial Arterial.

#### **IV. Summary of Agency Referral Responses**

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management: Approve – No Comments  
Denver Fire Department: Approve – No Comments

#### **V. Legal Justification**

##### **Change of Conditions**

The proposed map amendment is in response to the changed and changing conditions in this area. Over the past several years, this area has transformed from a more rural and suburban location to a thriving commercial corridor. The increase in traffic along Parker Road has made residential development along the arterial undesirable. However, the previous development of

several multi family residential apartment projects in the area has resulted in an increase in residents and thus an increase in the demand for commercial services. The change has resulted in a need for development that provides limited commercial uses that provide services and amenities for the neighborhood.

## **VI. Criteria for Review / Staff Evaluation**

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The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are as follows:

- *Denver Zoning Code*
- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*

### ***A. Denver Zoning Code – Compliance with Map Amendment Criteria in Sec. 12.4.10.13 (General Review Criteria Applicable to All Zone Map Amendments)***

As proposed, rezoning #2010I-00023 is consistent with the criteria outlined within Denver Zoning Code Section 12.4.10.13.

**Consistency with Adopted Plans:** Rezoning #2010I-00023 is consistent with the intent of Denver's adopted plans.

**Uniformity of District Regulations and Restrictions:** This application does not compromise uniformity of district regulations and restrictions.

**Public Health, Safety and General Welfare:** The proposed map amendment furthers the public health, safety and general welfare of the City.

### ***B. Denver Comprehensive Plan 2000***

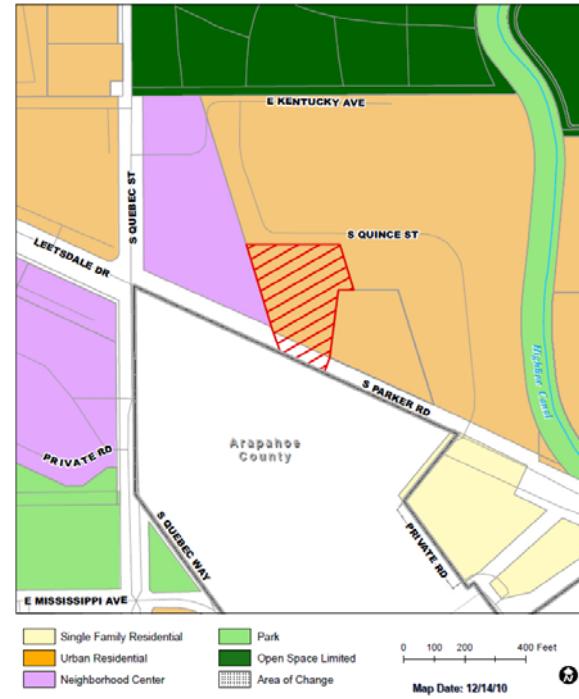
The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- Land Use chapter, Strategy 3-B is to “*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.*”
- Mobility chapter, Strategy 4-E to “*Continue to promote mixed-use development, which enables people to live near work, retail and services.*”
- Legacies Chapter, Strategy 3-A to “*Identify areas in which increased density and new uses are desirable and can be accommodated.*”

### **C. Blueprint Denver**

Blueprint Denver, the City's Land Use and Transportation Plan, identifies the property as being within an Area of Stability with a land use recommendation for Single Family Duplex.

According to Blueprint Denver, Single-Family/Duplex areas have an average FAR of 0.5, sometimes over 1; have more than 10 dwelling units per acre; are primarily residential with periodic small-scale commercial uses; and have good transit access and significant levels of pedestrian and bicycling activity along with automobile use (p. 64). The employment base is minor compared to the housing base, and there is a mixture of housing types. In an Area of Stability, limited change is expected; the goal is to identify and maintain the character of an area while accommodating some new development and redevelopment (p. 120).



The proposed S-CC-3x Zone District is consistent with the Blueprint recognition of periodic small scale commercial uses within Single Family Duplex areas. Additionally, the Blueprint Denver Future Street Classification of Parker Road is Commercial - Arterial. Commercial arterials typically serve commercial areas that contain many small retail strip centers. They are designed to balance traffic mobility with access to nearby businesses. (p. 58)

Rezoning this site to S-CC-3x will be consistent with these plan recommendations.

## **VII. Planning Board Recommendation**

Planning Board reviewed rezoning application #2010I-00023 at their regularly scheduled meeting on April 6, 2011. Planning Board recommended approval of this item on consent.

## **VIII. Staff Recommendation**

Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the property located at 1042 S Parker Road (Application #2010I-00023) to S-CC\_3x.

### **Attachments:**

1. Application
2. Map Series - Aerial, Zoning, Blueprint Map)



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development  
Planning Services  
Plan Implementation**

201 W Colfax Ave, Dept 205  
Denver, CO 80202  
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f: 720-865-3056  
[www.denvergov.org/planning](http://www.denvergov.org/planning)

## APPLICATION FOR ZONE MAP AMENDMENT

<b>Application#</b>	2010I-00023	<b>Date Submitted</b>	12.2.10 Rev: 2.4.11	<b>Fee Required</b>	\$2,000	<b>Fee Paid</b>	\$2,000
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### APPLICANT INFORMATION

### CONTACT INFORMATION (Same as Applicant? )

<b>Applicant Name</b>	Eugene Nesbit	<b>Contact Name</b>	Robert J. Gollick, Inc (Bob Gollick)
<b>Address</b>	394 South Oneida Way	<b>Address</b>	609 South Gaylord Street
<b>City, State, Zip</b>	Denver, Colorado 80231	<b>City, State, Zip</b>	Denver, Colorado 80209
<b>Telephone / Fax</b>	303 / 722-8771	<b>Telephone / Fax</b>	303 / 722-8771
<b>Email</b>	bgollick@comcast.net	<b>Email</b>	bgollick@comcast.net

### Subject Property Location [Please Include Assessor's Parcel Number(s)]

The subject property is addressed and described as follows:

1042 South Parker Road, Denver, Colorado 80224

Assessor's Parcel Number: 0616302060000

### Legal Description of Subject Property

#### Legal Description:

Plots 11 and 13, Hughes Mountain View Subdivision, and the east half of vacated Quince Street adjoining said plots.

Except that part of said Plot 13 lying easterly of a line extending from a point on the north line of said Plot 13 which is 51.4 feet west of the northeast corner of said Plot 13 to a point on the northeasterly line of Parker Road which point is 189.7 feet northwesterly from the southeast corner of said Plot 13, City and County of Denver, State of Colorado. 87,988 square feet or 2.02 Acres. (ALTA/ASCM Land Title Survey/ Land Survey Plat submitted separately)

Area of Subject Property (Acres/Sq Ft)	Present Zone District	Proposed Zone District (Waivers and Conditions Require Separate form)
87,988± sq. ft. or 2.02± acres	S-MU-3	S-CC-3X

### Describe the nature and effect of the proposed Zone Map Amendment

When the City implemented the "new" zoning code earlier this year, the subject property was zoned for multi-family residential (S-MU-3). This may have been an appropriate zone designation several years ago however, given the existing development in the area along with the increase in traffic flows along Parker Road this is not a feasible residential development site.

Thus, the nature of the proposed map amendment is to provide a more appropriate zone district that will allow the highest and best use of the site, which is commercial development along one of Denver's busiest commercial corridors. This is the only undeveloped parcel in the area that currently has residential zoning. The property shares access with the adjacent Walgreen's thus creating an even more commercial environment. The proposed S-CC-3X

zone district was selected for this site due to a less intense list of permitted uses than the S-CC-3. As stated in the Zoning Code, the **General Purpose** of the District is as follows:

- A. The Commercial Corridor zone districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.
- B. The Commercial Corridor zone districts address development opportunities adjacent to the city's most auto-dominated corridors (**Parker Road**).
- C. Commercial Corridor building form standards have minimum setbacks to allow flexibility in building, circulation and parking lot layout.
- D. The Commercial Corridor 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. (The properties to the north and east are residential)

The effect of the approved map amendment will be immediate and positive for the area. The site benefits from traffic counts of over  $43,000\pm$  cars per day along Parker Road. The allowed uses will thrive given this high visibility location. The S-CC-3X permits uses that are the type that encourage diverse development that is vital to the economic life of a commercial corridor. Any proposed structure(s) will fit well into the existing area by incorporating a low profile building, three stories up to forty-five (45) feet, which is similar (five feet higher) to the allowable height of the existing zoning. Setbacks allow any proposed structures to be placed near the street, which has the potential to provide a buffer for the existing apartment buildings to the north. This, we feel, is the intent of the S-CC-3X zone district.

The proposed S-CC-3X zone district limits the permitted uses to be compatible with and establishes a transition zone with any existing residential neighborhoods. The "**Specific Intent**" description in the Zoning Code states, the S-CC-3X applies primarily to auto-oriented ( $43,000\pm$  cars /day) arterial street corridors (again Parker Road) where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3.

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

The proposed map amendment is in response to the changed and changing conditions in this area. Over the past several years, this area has transformed from a more rural and suburban location to a thriving commercial corridor. The increase in traffic along Parker Road has made residential development along the arterial economically unfeasible. However, the development of several multi family residential apartment projects in the area has resulted in an increase in residents and thus an increase in the demand for commercial services. The change has resulted in a need for development that provides limited commercial uses, such as those proposed, that provide the needed services and amenities necessary to sustain a neighborhood. The proposed map amendment and associated uses is appropriate for this site and this neighborhood.

The need for limited commercial uses is consistent with the development patterns that the area has experienced. The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

Conditions have further changed with regard to the type of development proposed on the subject property. Specifically, the adoption of the *Denver Comprehensive Plan 2000*, and the desire to implement the applicable City policies on this property and its proposed development provide additional legal basis for this proposed map amendment.

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 as below. They are extracted from the Land Use Chapter, Housing Chapter and Neighborhood Chapter of *Denver Comprehensive Plan 2000*.

#### ***LAND USE CHAPTER***

##### **Objective 3: Residential Neighborhoods and Business Centers**

###### **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.

###### **Mobility Chapter**

###### **Objective 4 Changing Travel Behavior**

###### **Strategy 4-E**

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

###### **Legacies Chapter**

###### **Objective 3 Compact Urban Development**

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

###### **Economic Activity Chapter**

###### **Objective 3: Expand Economic Opportunity**

**Business Centers 4-B** Enhance existing businesses 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. (This is the intent of the S-CC-3X)

###### **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.

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

The land uses and development proposed for the property will be a mix of commercial development. The proposed S-CC-3X zone district will allow a limited mix of uses appropriate for this area. The proposed land use will include one or more of those permitted use(s).

The anticipated time schedule is contingent upon approval of this zoning request, site plan approval, market conditions and project financing.

<b>Required Exhibits</b>		<b>Additional Exhibits</b>
Applicant & Owner Information Sheet	<input checked="" type="checkbox"/>	
Maps – Required for Final Submissions		
<b>Signature</b>		<b>Date</b>
		
Eugene Nesbit Property Owner		

## 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	Applicants Name
2010I-00023	Eugene Nesbit Property Owner

### Property Address(es)

1042 South Parker Road, Denver, Colorado

### Applicant's Address

394 South Oneida Way, Denver, Colorado 80231

**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)	<input checked="" type="checkbox"/> All <b>X</b>	
	<input type="checkbox"/> A Portion	<input type="checkbox"/>
Contract Owner	<input type="checkbox"/> All	<input type="checkbox"/>
	<input type="checkbox"/> A Portion	<input type="checkbox"/>
Holder of a Security Interest	<input type="checkbox"/> All	<input type="checkbox"/>
	<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).

Eugene Nesbit  
Property Owner

Signature of Applicant



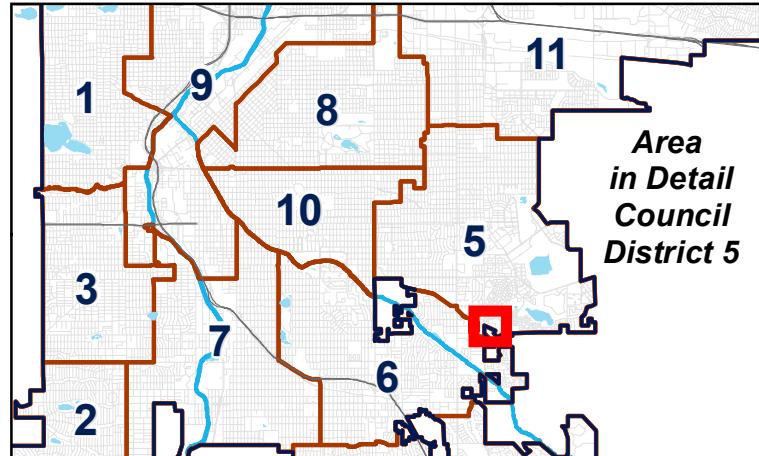
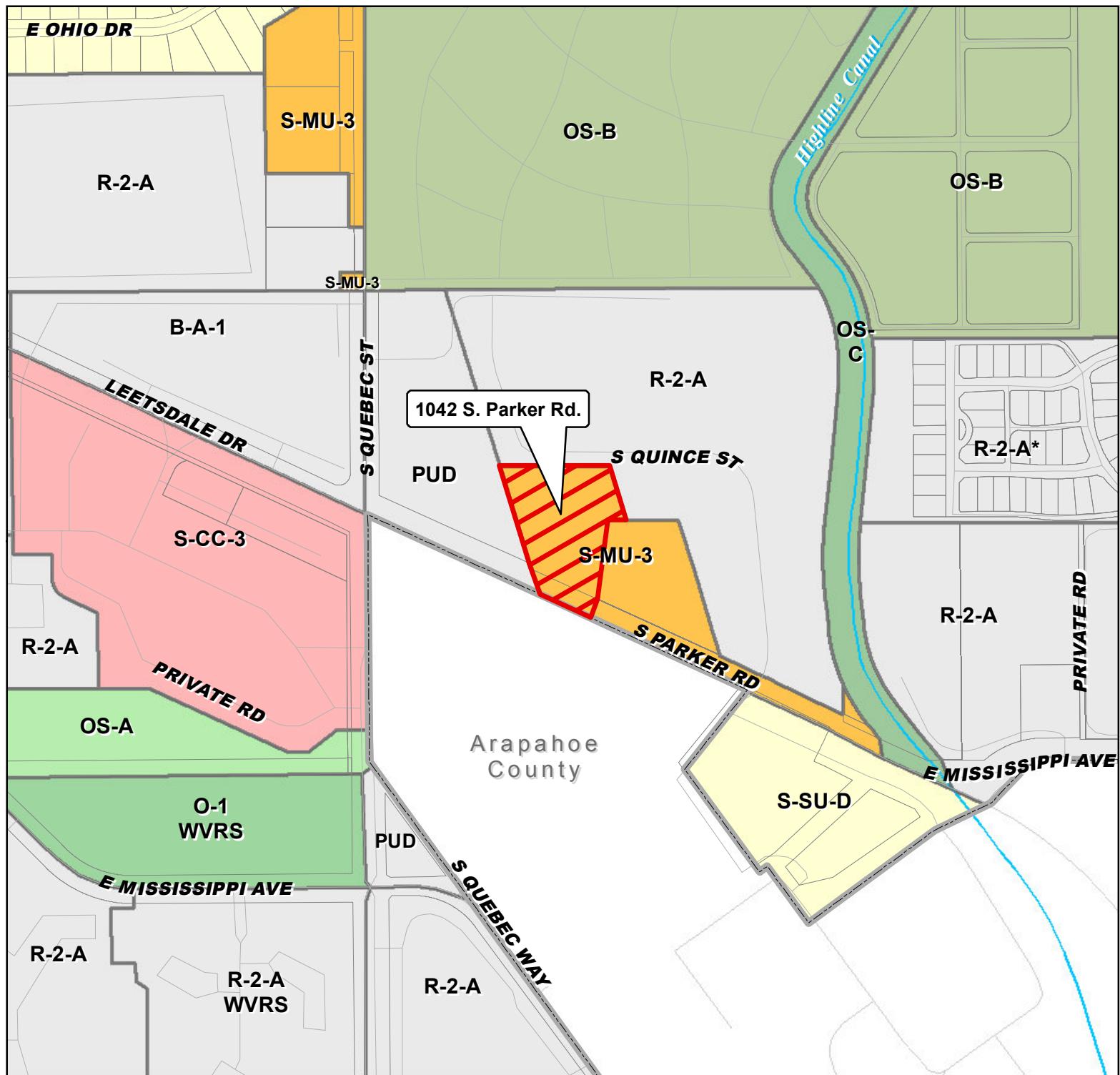
Eugene Nesbit







# Pending Zone Map Amendment #2010I-00023



**Application #2010I-00023**  
**Location: 1042 S. Parker Rd.**

 **Proposed Rezoning**  
**From: S-MU-3**  
**To: S-CC-3X**



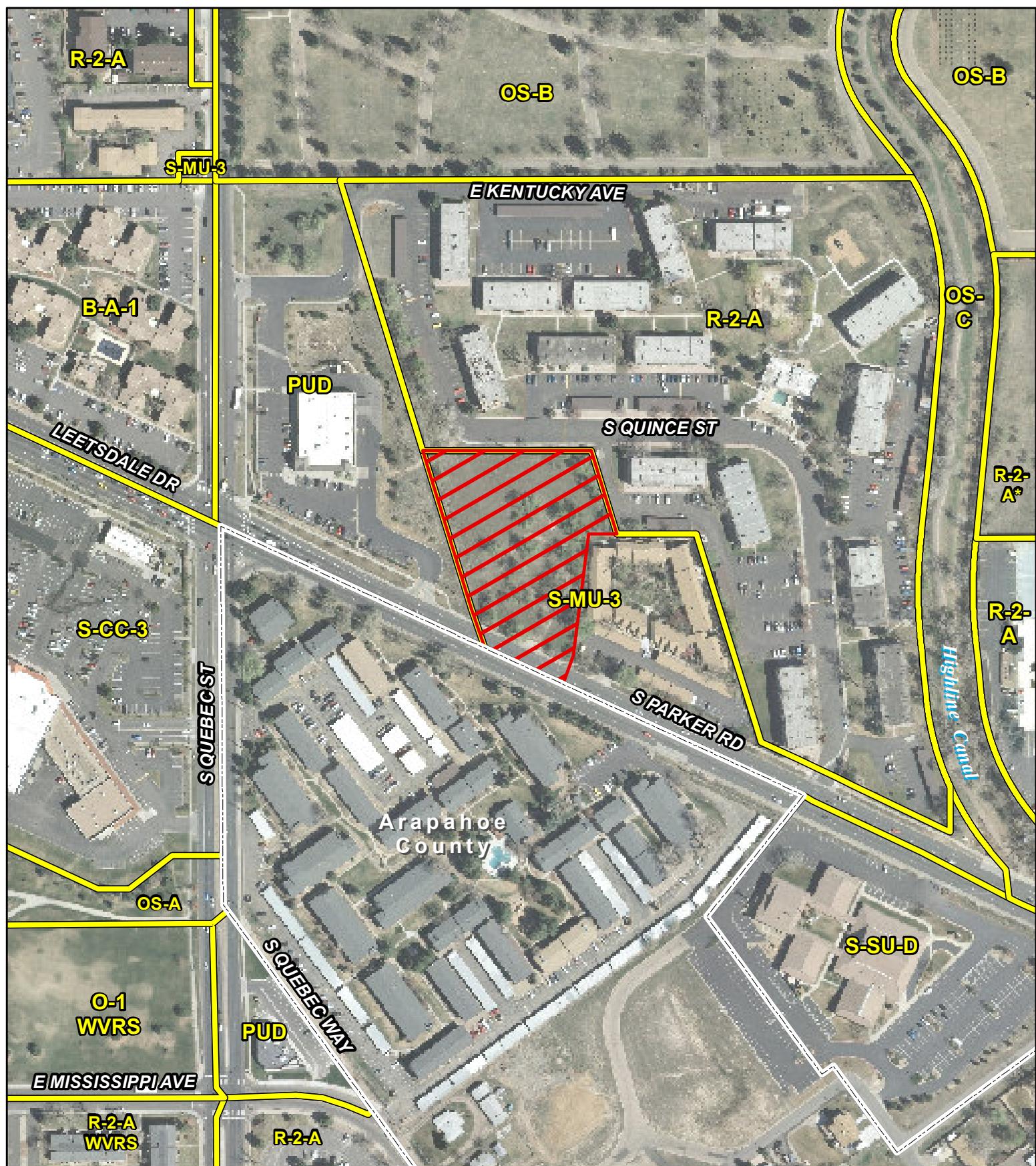
0 200 400 800  
 Feet

Map Date: 12/14/10

# Pending Zone Map Amendment - Aerial & Zoning Overlay



Application #2010I-00023



# Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2010I-00023



- Single Family Residential
- Urban Residential
- Park
- Open Space Limited
- Neighborhood Center

- Area of Change

0 100 200 400 Feet

Map Date: 12/14/10

