



Community Planning and Development
Planning Services

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
p: 720.865.2915
f: 720.865.3052
www.denvergov.org/CPD

TO: Denver City Council
FROM: Steve Nalley, Senior City Planner
DATE: June 16, 2014
RE: Legislative Zoning Map Amendment #2014I-00015
5141 N. Chambers Rd. (all properties with PUD #561)
Rezoning from PUD #561 to S-CC-3

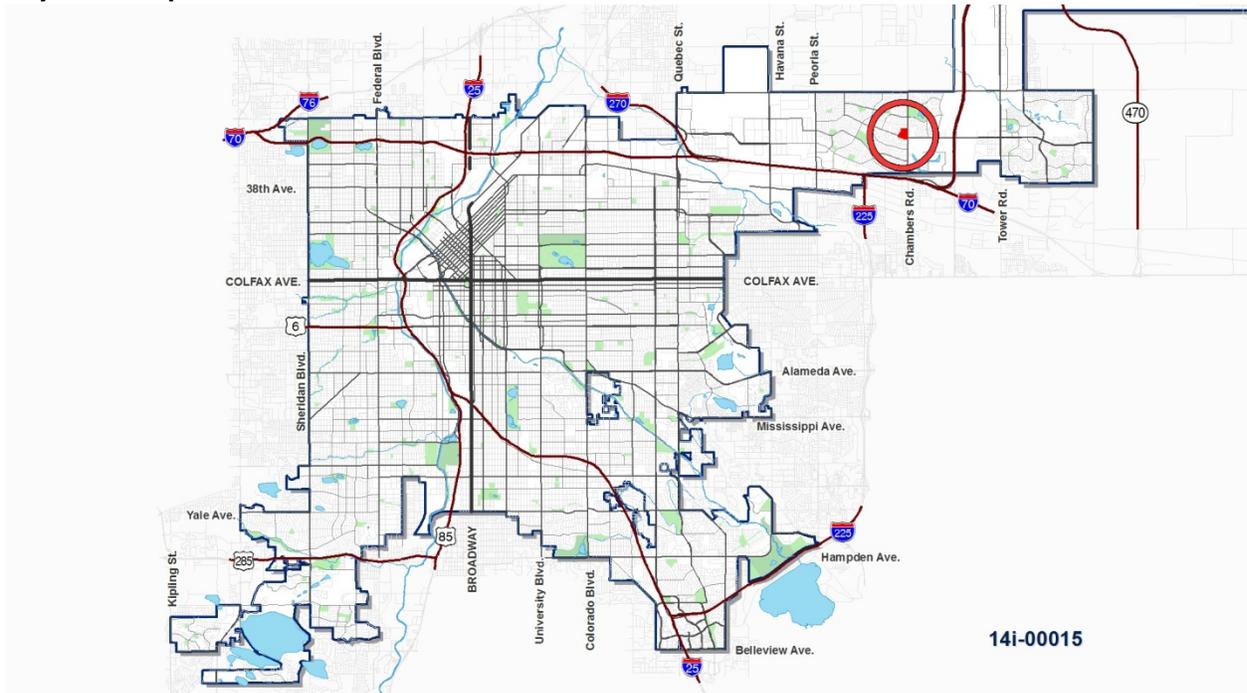
Staff Report and Recommendation

Based on the criteria for review including compliance with adopted City plans, Staff recommends approval for the proposed map amendment #2014I-00015 for a rezoning from **PUD #561 to S-CC-3**.

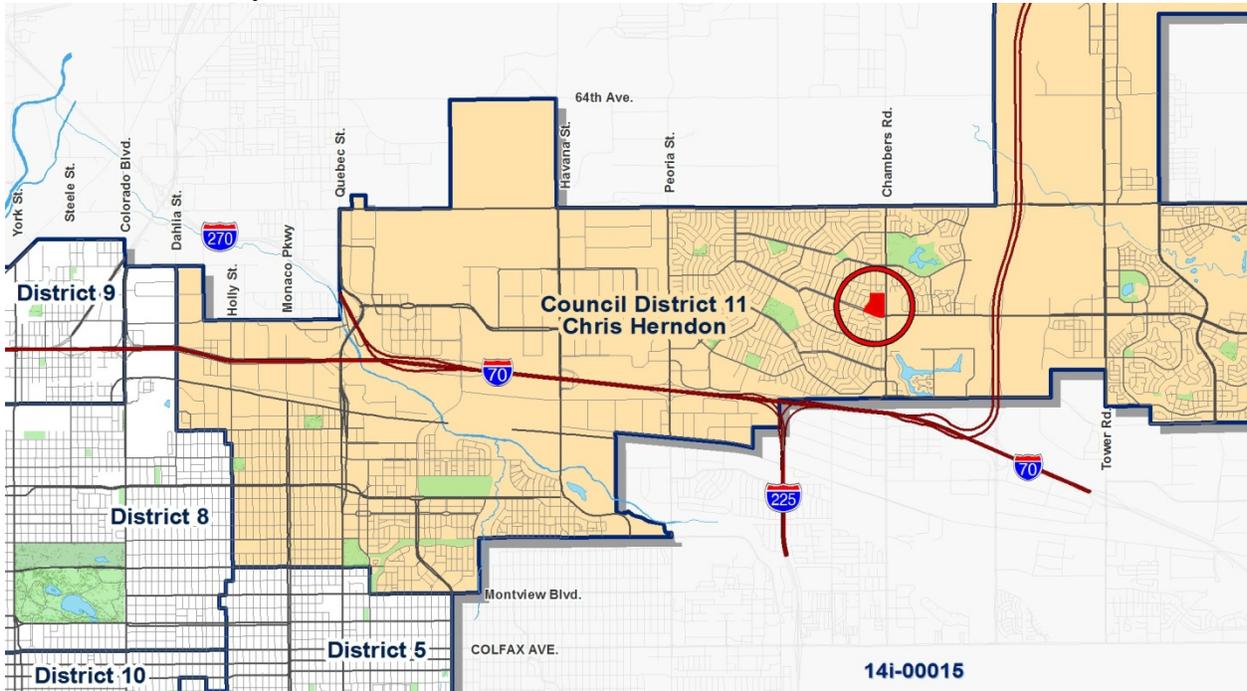
Request for Rezoning

Application:	#2014I-00015
Address:	5141 N Chambers Rd.
Neighborhood/Council District:	Montbello / Council District #11 – Chris Herndon
RNOs:	Alliance for Justice, Montbello 2020, Northern Corridor Coalition, Denver Neighborhood Association Inc., Inter-Neighborhood Cooperation
Area of Property:	14.6 acres
Current Zoning:	PUD #561
Proposed Zoning:	S-CC-3
Owners:	Gaffey Chambers LLC, Investops LLC, Walmart Real Estate Business Trust, Firstbank of Aurora, MT3 Corporation
Contact Person:	Chris Herndon

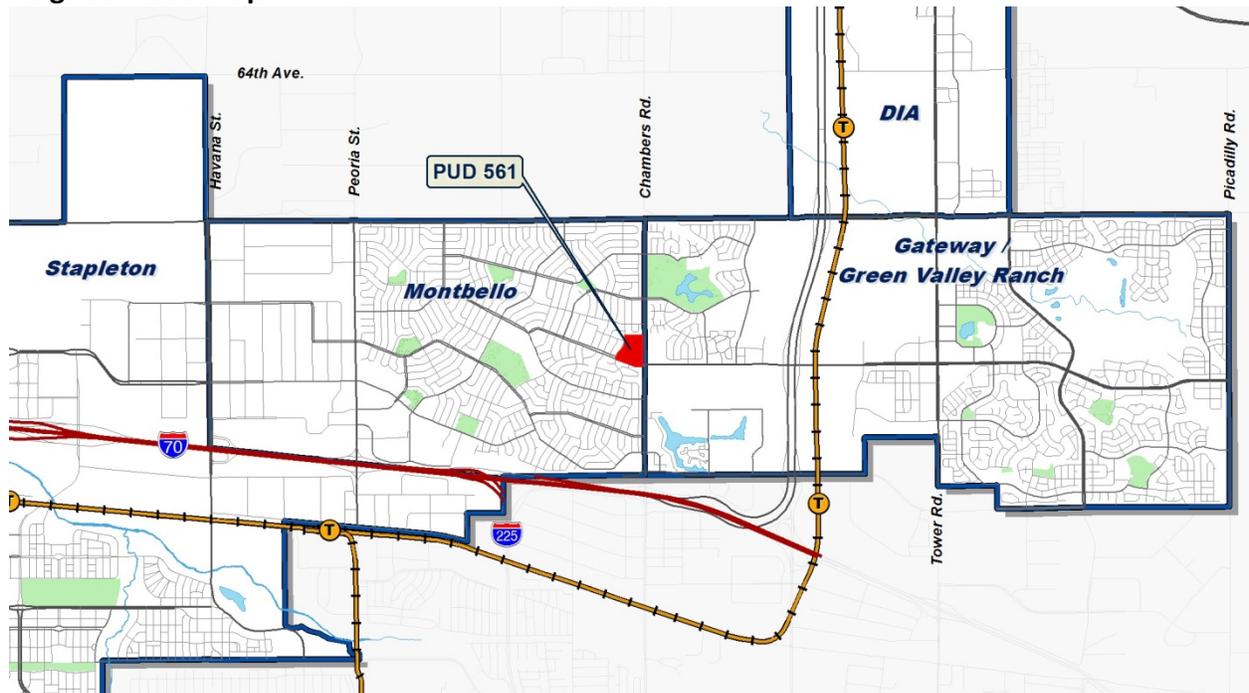
Citywide Map



Council District Map



Neighborhood Map



Summary of Rezoning Request

The property proposed for rezoning is located on the corner of Gateway Ave. and N Chambers Rd. The site has multiple retail establishments with Walmart as the majority owner. The existing zoning for the site is PUD #561.

In February 18, 2014 City Council passed a resolution directing the Department of Community Planning and Development (CPD) to study and process a City Council initiated zone map amendment for PUD 561. City Council desires to rezone the property to a zone district that meets the goals and strategies of adopted City plans. The resolution directed CPD to recommend a zone district and process a rezoning of PUD #561.

The recommended zone district for the site is S-CC-3 in the Suburban Neighborhood Context. Details of S-CC-3 can be found in Article 3 of the Denver Zoning Code (DZC). This rezoning would allow appropriate redevelopment within the Montbello Town Square.

Existing Context



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

	Existing Zoning	Existing Land Use	Blueprint Denver	Existing Block, Lot, Street Pattern
Site	PUD #561	Commercial/Retail	Neighborhood Center– Area of Stability	Curvilinear, irregular grid of streets; Block sizes and shapes are inconsistent – small residential lots and large commercial blocks. Vehicle parking in front of or to the side of buildings. No alley access.
North	R-1 (PBG)	Single Family Residential	Single Family Residential – Area of Stability	
South	R-2 w/ waivers	Single Family Residential	Single Family Residential – Area of Stability	
East	PUD #515	Commercial/Retail	Neighborhood Center – Area of Change	
West	R-1 (PBG)	Single Family Residential	Single Family Residential – Area of Stability	

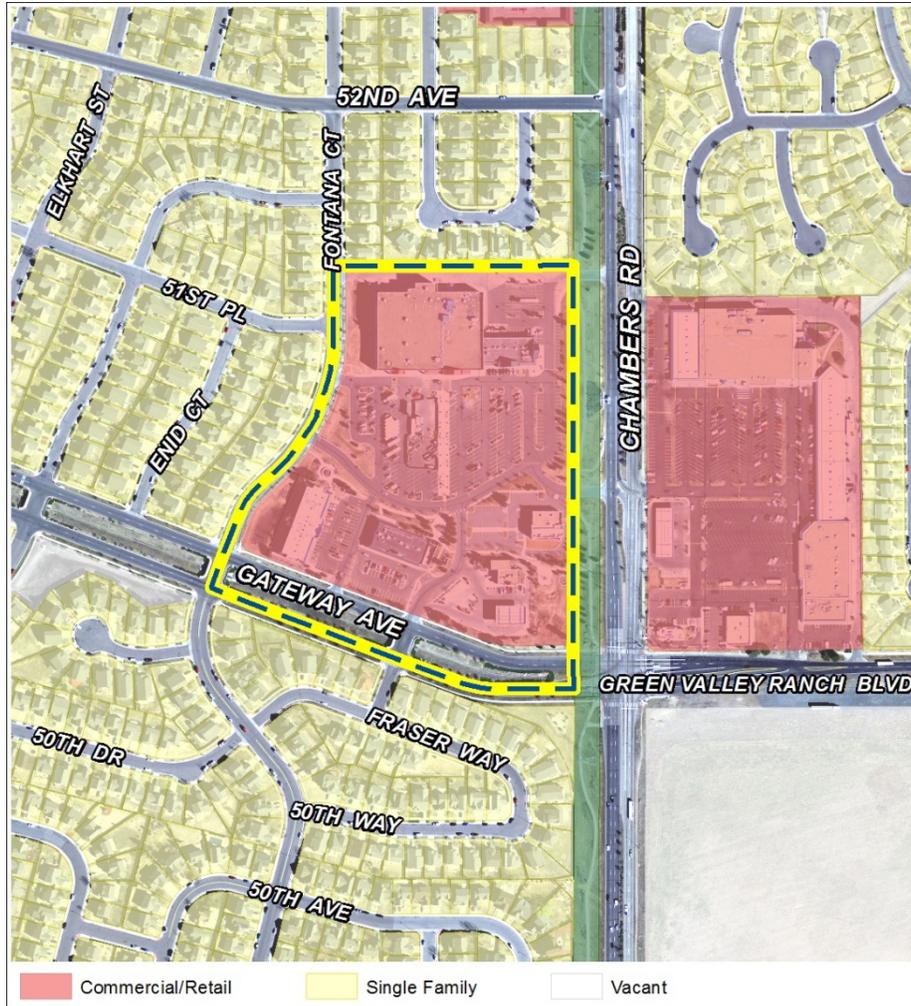
1. Existing Zoning



The existing PUD #561 zoning was adopted by City Council in 2004. This site was not rezoned as part of the new code effort in 2010 because the existing site is a PUD. The 2010 new code mapping effort did not include properties that were zoned PUD, PBG, or had waivers and/or conditions unless the property owner desired to be included.

The existing PUD zoning has a very limited list of allowed uses. The PUD has three sub areas, one of which only allows automobile related uses. This limited use list has prohibited the evolution of the town square and has resulted in some structures being abandoned.

2. Existing Land Use Map



The existing land use of the subject site is commercial/retail. The surrounding land use is commercial/retail, vacant or single family.

3. Existing Building Form and Scale

The existing buildings in immediate proximity to the subject site range from 1 to 2 stories. The buildings on the subject site are oriented toward internal parking lots. Parking is either in between the primary street and the structure or to the side of structures.



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: No comment

Denver Fire Department: No comment

Development Services – Wastewater: Approve - Development Services Wastewater has no objection to the proposed re-zoning, however there is no assurance that storm or sanitary capacity is available for such development.

Development Services – Project Coordinator: No comment.

Development Services – Transportation: Approved

Public Works – City Surveyor: Approved

Public Review Process

CPD Staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on April 1, 2014.

The property was legally posted for a period of 15 days announcing the Denver Planning Board public hearing on its regularly scheduled meeting on April 16, 2014. Planning Board unanimously recommended approval of this rezoning.

The property was legally posted for a period of 21 days announcing the Denver City Council public hearing.

Written notification of the Planning Board public hearing, the LUTI committee meeting, and the City Council public hearing was sent to all affected registered neighborhood organizations.

A certified return receipt letter was sent to all property owners within PUD #561 (see attached).

Criteria for Review / Staff Evaluation

The criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.13, as follows:

DZC Section 12.4.10.13

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Gateway Concept Plan (adopted in 1990 – readopted as supplement to Comp Plan 2000)
- Montbello/Green Valley Ranch Neighborhood Plan (adopted in 1991 – readopted as supplement to Comp Plan 2000)

Denver Comprehensive Plan 2000

S-CC-3 is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – “Conserve land by promoting infill development with 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.”

- Land Use chapter, Strategy 3-B is to “Encourage quality infill development that is consistent with the character of the surrounding neighborhood...”
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services.

The proposed map amendment would enable the option for mixed-use development on an infill location where services and infrastructure are already in place. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, the site is located in an **Area of Stability**, has a concept land use of **Neighborhood Center**, and is located on the corner of a **Residential – Arterial** and a **Residential – Collector**.

Area of Stability

The goal for Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment.” (pg. 120) S-CC-3 allows development that would maintain the established character of the subject site and its surroundings.

Future Land Use

Neighborhood Centers “serve the many everyday shopping, service or entertainment needs of one or more neighborhoods. A mix of land uses includes those for convenience shopping, personal services and restaurants. A neighborhood center also may contain offices that serve nearby residents. Occasionally, neighborhood centers contain boutique shopping or popular restaurants that act as a regional draw.” (pg. 43) S-CC-3 allows a mix of uses consistent with the uses desired in the neighborhood center concept land use.

Street Classifications

Blueprint Denver classifies E. Gateway Ave. as a Residential - Collector. “As collectors and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility. In both cases, residential streets tend to be more pedestrian-oriented than commercial streets, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes.

N. Chambers Rd. is classified as a Residential - Arterial. “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Denver’s arterial system interconnects major urban elements such as the central business district, employment centers, large urban and suburban commercial centers and

residential neighborhoods.” (Pg. 51) “As arterials, residential streets balance transportation choices with land access, without sacrificing auto mobility.” (pg. 55)

Rezoning to S-CC-3 is consistent with Blueprint Denver recommendations.

Blueprint Denver Map



Small Area Plan: Gateway Concept Plan

The Gateway Concept Plan was adopted by City Council in 1990 to establish direction for the “Airport Gateway Development Area.” The land use concept for the subject site is neighborhood retail and town square in order to create opportunities to create large mixed use developments and commercial nodes without adversely affecting existing residents.

The proposed S-CC-3 zone district facilitates future redevelopment of this existing commercial node.

Small Area Plan: Montbello/Green Valley Ranch Neighborhood Plan

The Gateway Concept Plan was adopted by City Council in 1991 to establish a vision for Montbello and the Green Valley Ranch neighborhoods. The subject site is identified as a town square focal point where retail development is encouraged.

The proposed S-CC-3 zone district will allow a broadened list of commercial/retail development of the subject site and is consistent with both small area plans.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-CC-3 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 of the City primarily through implementation of the City's adopted land use plan.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the rezoning for all property within PUD #561 to the S-CC-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Application
2. Letter to property owners
3. City Council Resolution

Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Multiple owners - see addresses below	Representative Name	Chris Herndon - legislative rezoning
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<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):	All properties zoned PUD 561. 4801 CHAMBERS RD, 5103 CHAMBERS RD, 5105 CHAMBERS RD, 5135 CHAMBERS RD, 5141 CHAMBERS RD, 5145 CHAMBERS RD		
Assessor's Parcel Numbers:	0018400024000, 0018400025000, 0018400026000, 0018400028000, 0018400030000, 0018400031000, 0018400033000, 0018400034000, 0018400035000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Attached		
Area in Acres or Square Feet:	637,386.7 S.F.; 14.6 acres		
Current Zone District(s):	PUD 561		
PROPOSAL			
Proposed Zone District:	S-CC-3		

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 18, AND CONSIDERING THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 18 TO BEAR SOUTH 00°33' 18" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF SECTION 18 A DISTANCE OF 97.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CHAMBERS ROAD AS DEFINED IN BOOK 3133, PAGE 193, IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER;

THENCE NORTH 00°33'18" EAST A DISTANCE OF 84.47 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF 51ST AVENUE AS DEFINED AT RECEPTION NO. 9600150434 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID 51ST AVENUE THE FOLLOWING THREE COURSES:

1. THENCE SOUTH 90°00'00" WEST A DISTANCE OF 158.28 FEET TO A POINT OF CURVATURE;
2. THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21°32'27", A RADIUS OF 220.00 FEET, AND AN ARC LENGTH OF 82.72 FEET;
3. THENCE NORTH 68°27'23" WEST A DISTANCE OF 652.06 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'42", A RADIUS OF 30.00 FEET, AND AN ARC LENGTH OF 47.13 FEET; THENCE NORTH 21°33'02" EAST A DISTANCE OF 43.56 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25°07'55", A RADIUS OF 170.00 FEET, AND AN ARC LENGTH OF 74.57 FEET; THENCE NORTH 46°40'57" EAST A DISTANCE OF 71.55 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 46°07'17", A RADIUS OF 530.00 FEET, AND AN ARC LENGTH OF 426.63 FEET; THENCE NORTH 00°33'40" EAST A DISTANCE OF 173.79 FEET;

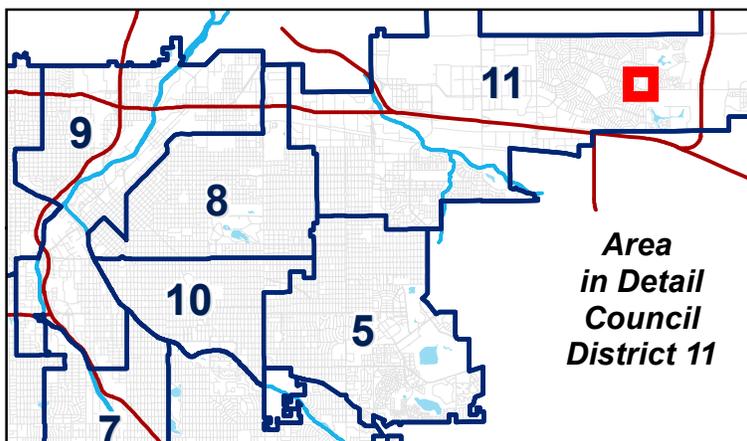
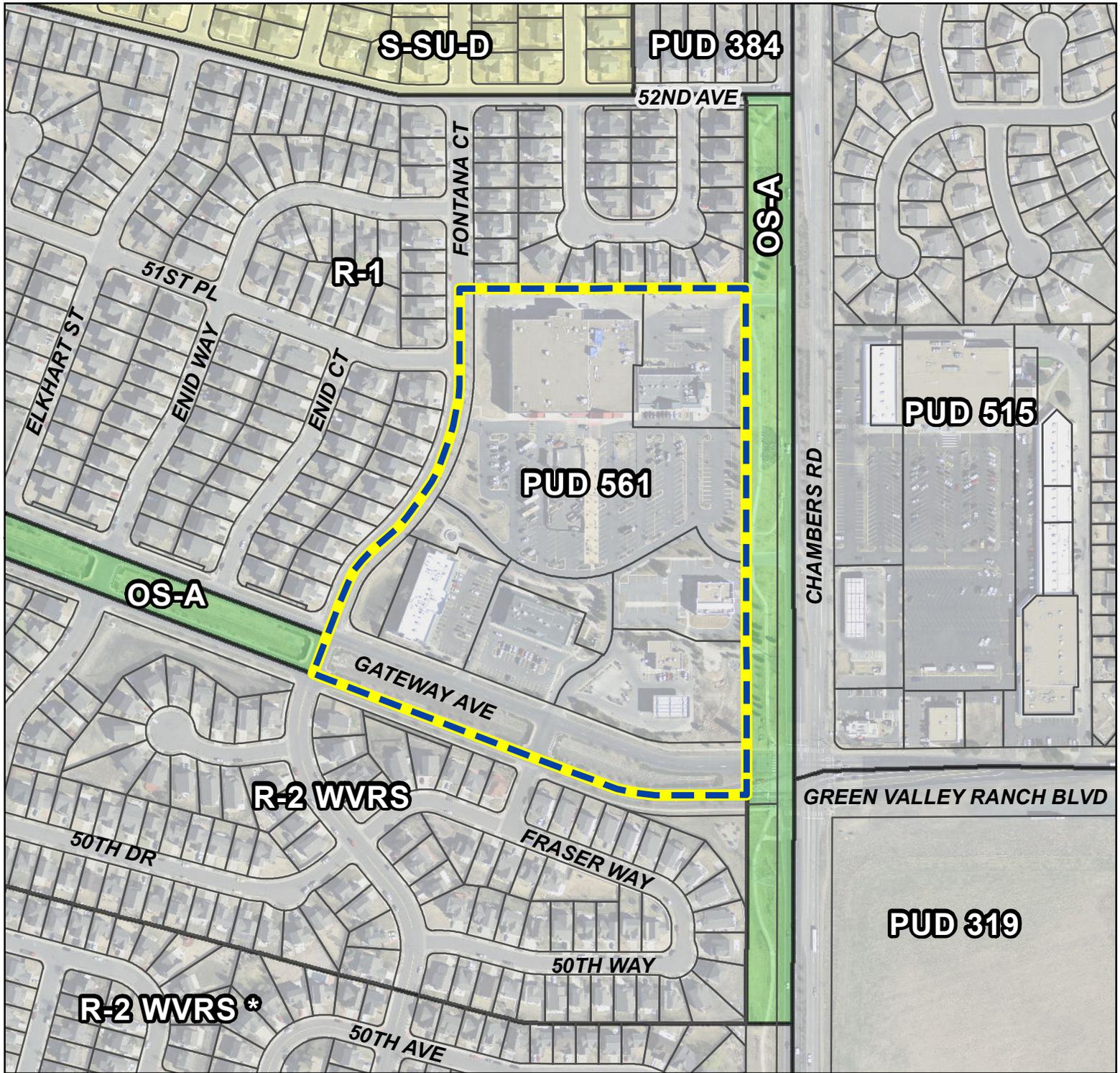
THENCE SOUTH 89°26'20" EAST A DISTANCE OF 594.48 FEET;

THENCE SOUTH 00°33'18" WEST A DISTANCE OF 993.00 FEET TO THE **POINT OF BEGINNING**;

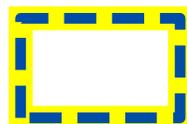
CONTAINING 14.65 ACRES, MORE OR LESS.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically, described area.

Zone Map Amendment #2014i-00015



Application #2014i-00015
Location: 5141 N. Chambers Rd.

 Proposed Rezoning
From: PUD #561
To: S-CC-3



0 200 400 800
Feet

Map Date: 3/27/14



March 27, 2014

Walmart Real Estate Business Trust
P.O. Box 8050
Bentonville, AR 72712-8055

Dear Property Owner,

Denver City Council approved a resolution on February 18, 2014 (see enclosed) directing Denver Community Planning and Development Department (CPD) to study, recommend a zone district, and process a City Council initiated zone map amendment (rezoning) for Planned Unit Development (PUD) 561. City Council wishes to rezone PUD 561 to a zone district that meets the goals and strategies of adopted City plans.

The Department of Community Planning and Development is recommending the **S-CC-3** (Suburban – Commercial Corridor – up to three stories) zone district. The rezoning will include all properties within PUD 561 (see enclosed map), including your property at **5141 Chambers Road**. This change will allow additional uses that are not currently allowed across the entire PUD 561, such as office and retail.

There will be a public hearing at the Denver Planning Board on April 16, 2014 at 3 p.m. at the Webb Municipal Office Building, 201 W. Colfax Ave., Room 4.F.6. Following the Planning Board hearing, a presentation and vote at City Council will be scheduled. Additional information such as CPD's staff report and the date of the City Council public hearing will be posted at www.denvergov.org/rezoning under "proposed rezonings." The case number for this rezoning is 2014I-00015.

If you have any questions, please contact me at steve.nalley@denvergov.org or 720-865-2921.

Sincerely,

Steve Nalley
Senior City Planner
Community Planning and Development
City and County of Denver

720-865-2921
steve.nalley@denvergov.org

1 COMMITTEE APPROVAL DATE: February 13, 2014 [Consent Agenda]
2 MAYOR-COUNCIL DATE: N/A
3 PASSED BY THE COUNCIL: February 18, 2014
4 Mayor Bob Johnson - PRESIDENT
5 ATTEST: Debra Johnson - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8
9 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: February 13, 2014
10 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of the
11 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
12 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
13 3.2.6 of the Charter.
14
15 D. Scott Martinez, Denver City Attorney
16
17 BY: [Signature], Assistant City Attorney DATE: 13 Feb, 2014

