



TO: Denver Planning Board
FROM: Brandon Shaver, Senior City Planner
DATE: January 12, 2022
RE: Official Zoning Map Amendment Application #2021I-00072
8101 & 8351 East Belleview Avenue
Rezoning from B-8 with waivers and condition, UO-1, UO-2 & B-8 with waivers, UO-1,
UO-2 to S-MX-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00072.

Request for Rezoning

Address: 8101 & 8351 East Belleview Avenue
Neighborhood/Council District: Hampden South / Council District 4
RNOs: Inter-Neighborhood Cooperation (INC), Denver For ALL, District 4 Neighborhood Coalition, Inc.
Area of Property: 603,557 square feet or 13.86 acres
Current Zoning: B-8 with waivers and condition, UO-1, UO-2 (8101 E. Belleview Ave.) & B-8 with waivers, UO-1, UO-2 (8351 E. Belleview Ave.)
Proposed Zoning: S-MX-8
Property Owner(s): MB Marina Square LLC
Owner Representative: Eric Hecox

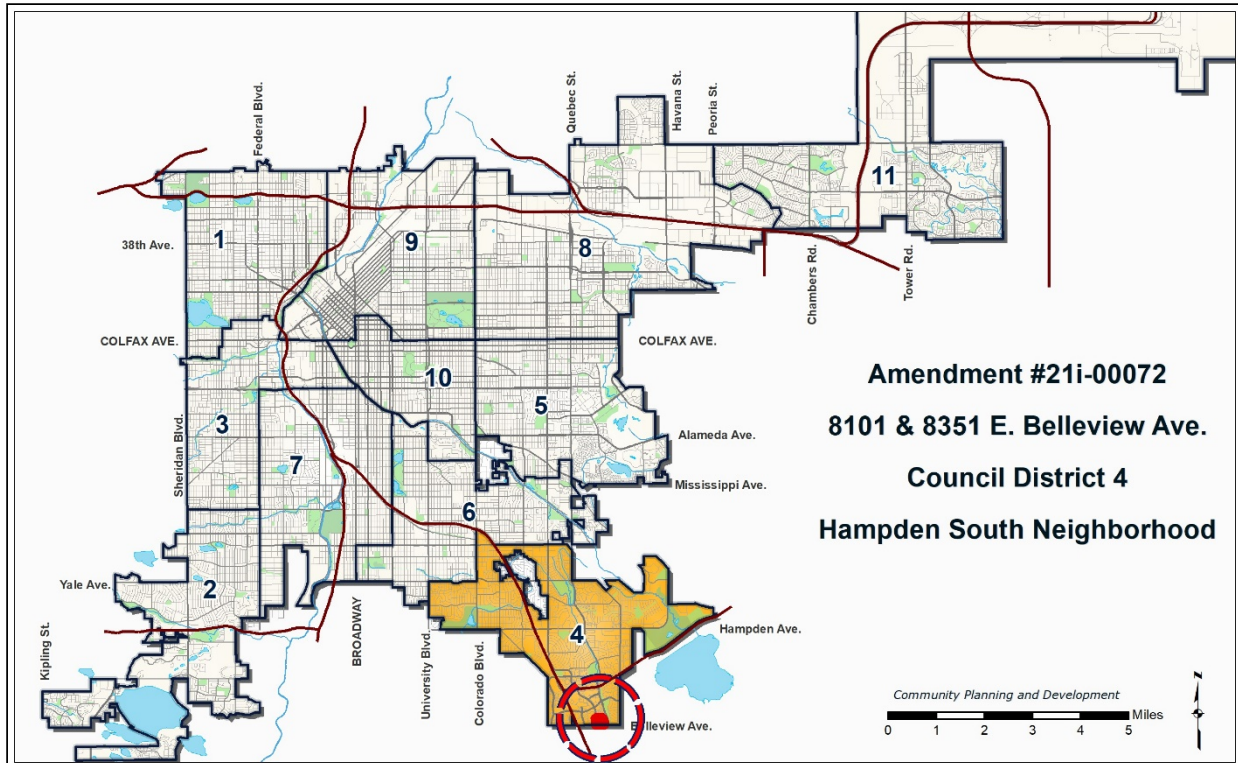
Summary of Rezoning Request

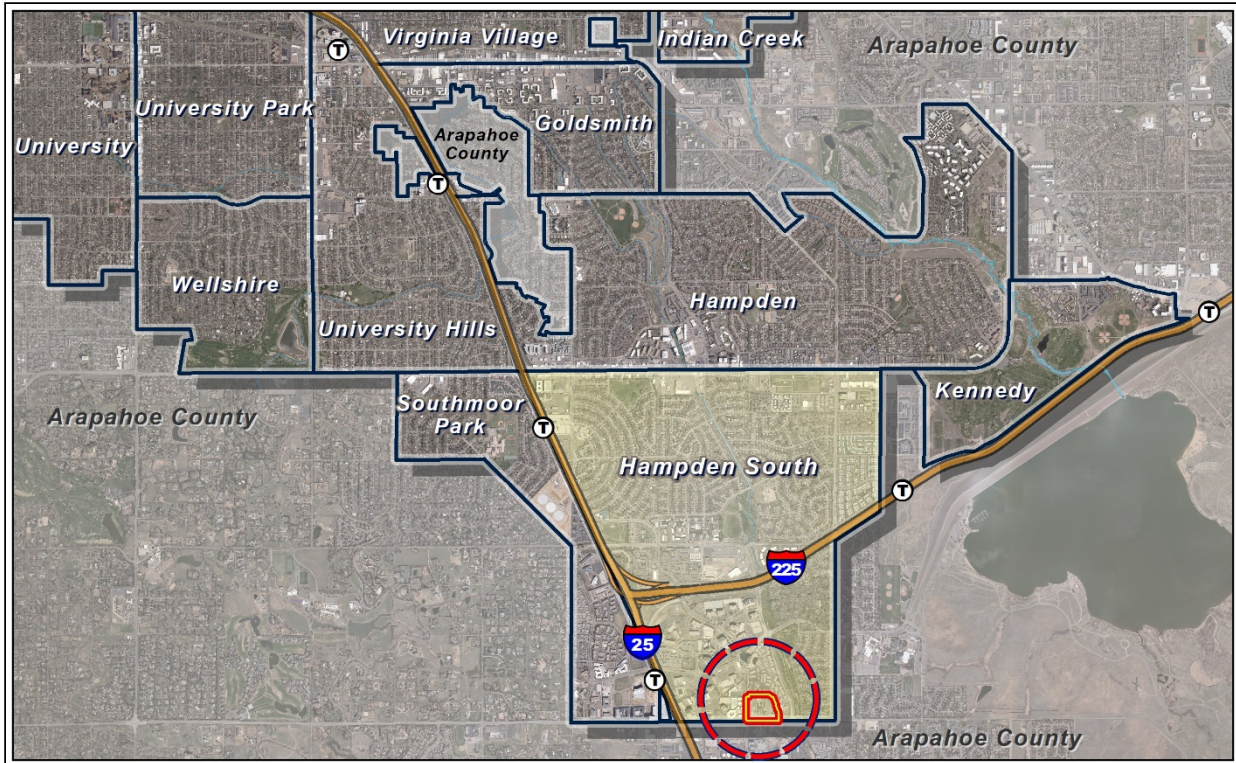
- The subject properties are located within the Hampden South statistical neighborhood at the northeast corner of South Ulster Street and East Belleview Avenue.
- The property at 8101 East Belleview Avenue consists of five single-story commercial structures built in 1978 oriented around a central plaza and surrounded by surface parking lots.
- The property at 8351 East Belleview Avenue contain one single-story commercial structure currently used as office.
- The proposed S-MX-8, **S**uburban, **M**ixed Use, **8** stories zone district allows residential and non-residential uses in a building scale of up to 8 stories, or 110 feet. The Shopfront, General, Drive Thru Services, and Drive Thru Restaurant primary building forms are allowed. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 3 of the Denver Zoning Code.
- The site at 8101 East Belleview Avenue is currently zoned B-8 with waivers and condition, UO-1, UO-2 while the site 8351 East Belleview is currently zoned B-8 with waivers, UO-1, UO-2. B-8 is a Former Chapter 59 Intensive General Business/High Density Residential District and the waivers and conditions prohibit wholesale and warehousing uses and certain fabrication uses, restrict gross floor area and maximum building heights and require an approved site plan. UO-1 is the

adult use overlay and UO-2 is the billboard use overlay. While these are mapped on the subject sites, the uses are prohibited from being established due to Denver Technological Center covenants.

- The subject sites underwent Large Develop Review (LDR) culminating in a Large Development Framework (LDF) which was recorded on September 30, 2020 and outlines the required regulatory steps for development. The LDF is attached to this staff report.

Existing Context



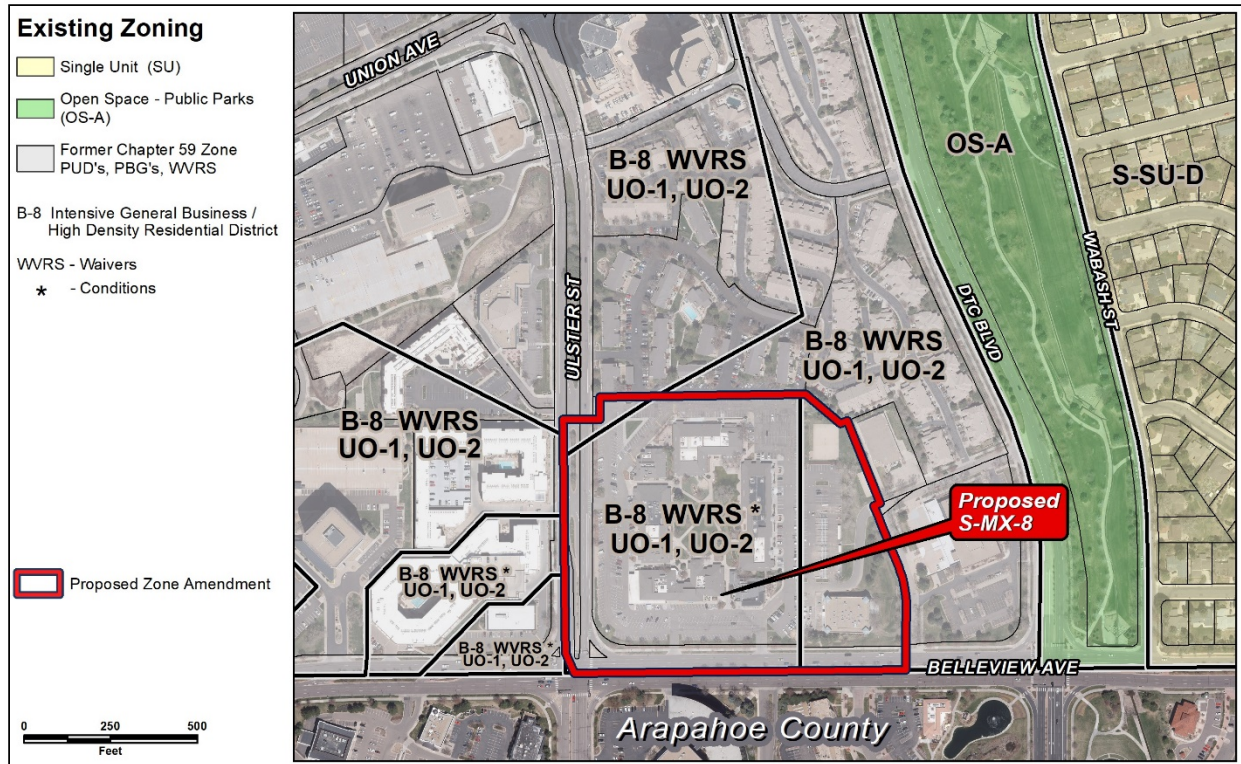


The subject properties are located within the Hampden South statistical neighborhood, at the northeast corner of South Ulster Street and East Belleview Avenue. Wallace Park and the associated Goldsmith Gulch are located two blocks east across DTC Boulevard. The City of Greenwood Village is located directly south of the subject properties across East Belleview Avenue. The subject properties combined have approximately 700 feet of frontage along South Ulster Street and 900 feet of frontage along East Belleview Avenue. The subject sites are just over one-half mile east of the Belleview Light Rail Transit (LRT) station and are also served by RTD bus route 73 along South Ulster Street turning west at East Belleview Avenue to provide a direct connection to the Belleview LRT station.

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 (8101 E. Belleview Ave.)	B-8 with waivers & condition, UO-1, UO-2	Commercial/Retail	Five 1-story buildings oriented around a central plaza and surrounded by surface parking lots	Modified grid street patterns with superblocks, no alleys, mostly attached sidewalks and some tree lawns along arterial streets.
Site (8351 E. Belleview Ave.)	B-8 with waivers, UO-1, UO-2	Commercial/Retail	Single 1-story building with surface parking on two sides	
North	B-8 with waivers, UO-1, UO-2	Multi-unit Residential	Multiple 2.5-story apartment buildings	
East	B-8 with waivers, UO-1, UO-2	Multi-unit Residential & Office	Multiple 2-story townhomes and a 2-story office building	
South	T-C (City of Greenwood Village)	Office & Mixed-use	6-story office building, 5-story hotel and 1-story restaurant with open space	
West	B-8 with waivers & conditions, UO-1, UO-2	Multi-unit Residential & Office	5-story apartment building and 2-story office building	

1. Existing Zoning



8101 East Belleview Avenue

Existing zoning on the property is B-8 with waivers and condition, UO-1, UO-2 and was approved in 1988. B-8 is an intensive general business/high density residential district in Former Chapter 59 used primarily for activity centers and is designed to permit highly concentrated, dense development at a floor area ratio not to exceed four times the site area. Additional floor area premiums in the B-8 district intended to encourage features like plazas are precluded at this site by waivers limiting total floor area to two times the site area. The waivers also prohibit fabrication of articles except art goods, custom clothing, custom costumes, custom furniture, jewelry, and needlework; wholesale and warehousing uses. There is also a condition that required an approved site plan after final approval of the proposed rezoning. Full text of the waivers and condition are attached to this staff report. The adult use overlay (UO-1) and billboard use overlay (UO-2) are mapped on the site but neither use has been established.

8351 East Belleview Avenue

Existing zoning on the property is B-8 with waivers, UO-1, UO-2 and was approved in 1978. B-8 is an intensive general business/high density residential district in Former Chapter 59 used primarily for activity centers and is designed to permit highly concentrated, dense development at a floor area ratio not to exceed four times the site area plus floor area premiums for the development of plazas, arcades, or the provision of low-level light areas. Additional floor area premiums in the B-8 district intended to encourage features like plazas are precluded at this site by waivers limiting total floor area to two times

the site area. Another waiver limits building height to 2.5 stories and removes the right to construct any structures of retail or strip retail shopping. The waivers prohibit fabrication of articles except art goods, custom clothing, custom costumes, custom furniture, jewelry and needlework; wholesale and warehousing uses. Full text of the waivers and conditions are attached to this staff report. The adult use overlay (UO-1) and billboard use overlay (UO-2) are mapped on the site but neither use has been established.

Use Overlays

The applicant is proposing the removal of both overlays as part of their rezoning request. Staff has evaluated the proposal to remove the UO-1 overlay and determined there will be sufficient remaining land in the city for first amendment-protected uses, so the city has no objection to removing the UO-1 in this instance.

2. Denver Tech Center Architectural Control Committee

The subject properties are located within the Denver Technological Center (DTC) which has protective covenants and strict architectural controls to establish a high set of standards for planning and design meant to “maintain exceptional value for each property within the DTC”. The covenants legally apply to all land that is part of DTC, regardless of ownership and are independent of the zoning and land use regulations of local governments. Protective covenants relevant to this rezoning request include the prohibition of adult uses, billboards and 40-foot minimum building setbacks along South Ulster Street and East Belleview Avenue.

3. Large Development Review (LDR)

The Development Review Committee reviewed this rezoning application to see if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code and thus require the creation of a Large Development Framework.

After review, it was determined the project would be subject to LDR review for the following reasons:

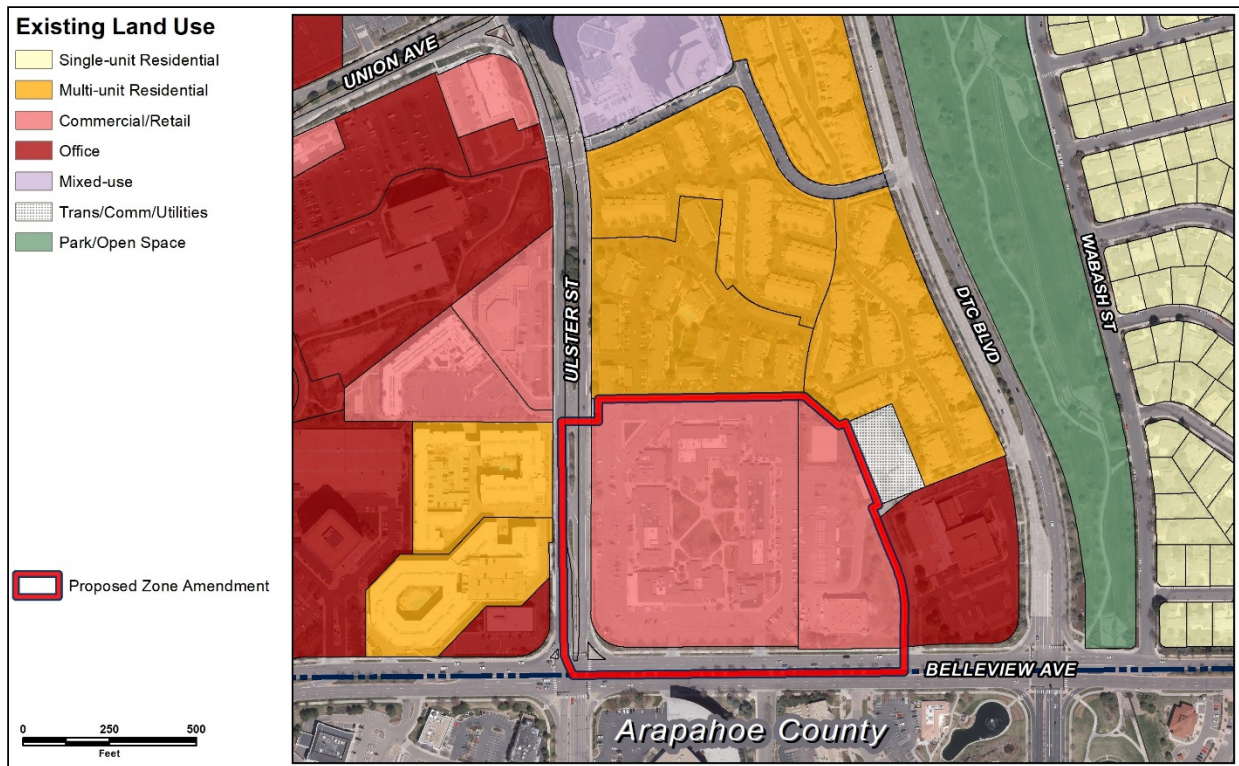
- The proposed development application is larger than five acres.
- The site has regional significance in the evolution of the Denver Technological Center.

The Marina Square Large Development Framework (LDF), recorded on September 30, 2020, outlines specific regulatory steps required for implementation of development on this site, including completion of a rezoning, an infrastructure master plan (IMP), mobility study, subdivision plan, transportation engineering plans, stormwater and sanitary sewer construction plans and site development plans for horizontal and vertical development. The LDF also anticipates a development agreement that may address a commitment to develop affordable housing (identified as a gap in the equity analysis), open space phasing, maintenance and ownership (which may be included in the IMP) and any additional off-site improvements identified through IMP studies. The LDF is attached to this staff report and details of a voluntary housing agreement are described later in this report. The applicant is working with staff on

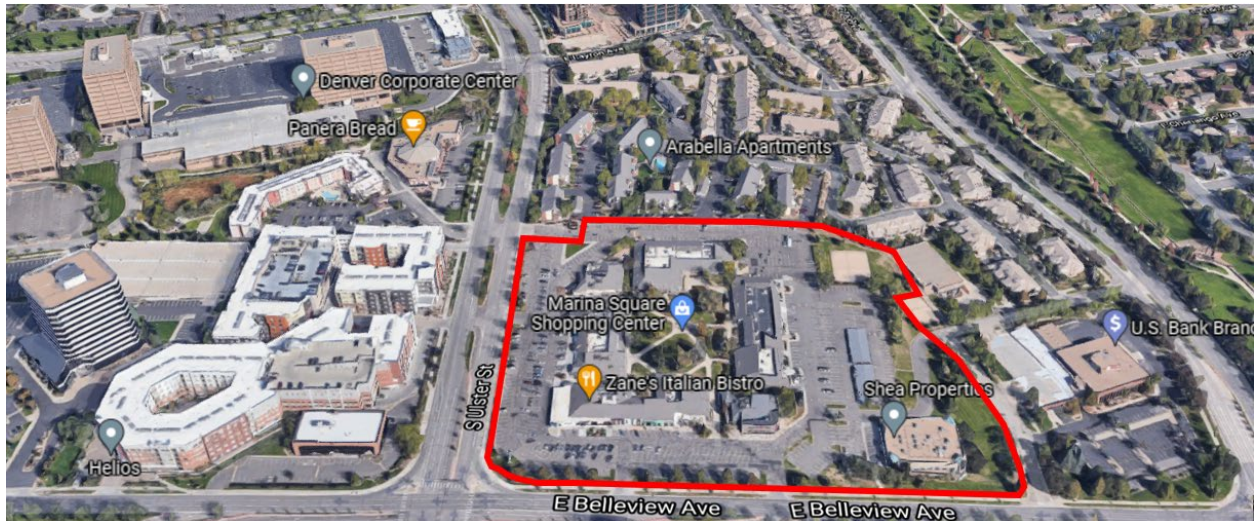
an IMP. It is anticipated that a development agreement addressing items other than affordable housing could result from the IMP process.

As required by the LDR process, the applicant team held a required Community Information Meeting virtually on July 30, 2020 and more than 70 people attended. The applicant team and CPD staff presented a preliminary development plan, applicable regulatory processes and sequencing and an equity analysis. Several public comments and discussion centered on the current retail amenities in Marina Square and questions about what retail amenities will be available in the future. Also, there were several requests for grocery stores and for retail development to be walkable and have outdoor spaces. While there were some concerns over traffic, parking, crime and affordable housing units, most comments received during and after the meeting were positive and supportive of new employment opportunities, strengthening connections to public transit, providing additional open space and creating additional housing opportunities.

4. Existing Land Use Map



5. Existing Building Form and Scale



Sites - Aerial view, looking north (Source: Google Maps)



Site (8101 E. Belleview Ave.) - from South Ulster Street & East Belleview Avenue (Source: Google Maps)



Site (8351 E. Belleview Ave.) – from East Belleview Avenue (Source: Google Maps)



North – from northern edge of 8101 East Belleview Avenue (Source: Google Maps)



East – from DTC Boulevard (Source: Google Maps)



South – from East Belleview Avenue (Source: Google Maps)



South – from East Bellevue Avenue (Source: Google Maps)



West – from South Ulster Street (Source: Google Maps)

Proposed Zoning

S-MX-8 Zone District

The requested S-MX-8 has a maximum height of 110 feet and allows the General, Shopfront, Drive Thru Services, and Drive Thru Restaurant primary building forms. A variety of residential, civic, commercial and industrial land uses are allowed.

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

Design Standards	B-8 Waivers & Condition, UO-1, UO-2 (Existing)	B-8 Waivers, UO-1, UO-2 (Existing)	S-MX-8 (Proposed)
Primary Building Forms Allowed	N/A	N/A	General, Shopfront, Drive Thru Services, Drive Thru Restaurant
Stories/Heights (max)	N/A; maximum gross floor area is 2:1	2.5 stories; maximum gross floor area is 2:1	8 stories / 110 feet
Primary Build-to Percentages	N/A	N/A	50% for General 75% for Shopfront
Primary Street Setback (min)	0 feet	0 feet	0 feet
Surface Parking Between Building and Primary Street/Side Street	Allowed	Allowed	Allowed/Allowed for General Not Allowed/Not Allowed for Shopfront
Transparency, Primary Street	N/A	N/A	40% for General 60% for Shopfront

Proposed Affordable Housing Agreement

Concurrent with the rezoning, the applicant has negotiated a voluntary affordable housing agreement with the Department of Housing Stability (HOST) to be signed and recorded by the property owner. The affordable housing agreement contemplates three options for the developer:

- a) Integrated on-site option of 10% of units at 80% AMI, with 20% being 2 bedrooms or larger
- b) Stand-alone on-site option of 12% of units at 60% AMI with at least 30% being 2 bedrooms or larger
- c) Nearby off-site option of 20% of units at 60% AMI with at least 30% being 2 bedrooms or larger

In most instances, it is the preference of HOST to integrate affordable units into market-rate developments to create mixed-income communities. However, in this case, the alternative options b and c above proposed by the applicant would result in substantially more units at deeper affordability in a high-opportunity neighborhood in Denver without any income-restricted units.

The proposed affordable housing agreement will be executed prior to the City Council public hearing tentatively scheduled for March 14, 2022.

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:

Assessor: Approved – No response

Asset Management: Approved – No comments

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – No response

Denver Parks and Recreation: Approved – No comments

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

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response

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

Development Services – Fire Prevention: Approved – No response

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:	7/7/21
Applicant worked with HOST and CPD staff on Voluntary Affordable Housing Agreement and development and submittal of Infrastructure Master Plan	July '21 to November '21
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:	1/3/22
Planning Board Public Hearing:	1/19/22
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 working days before the meeting (tentative):	1/18/22
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	2/1/22
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 (tentative):	2/21/22
City Council Public Hearing (tentative):	3/14/22

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff has not received written comment from an RNO pertaining to this application.
- **Other Public Comment**
As of the date of this report, staff has not received written public comments pertaining to this application.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Section 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

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver* (2019)

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 will allow for more commercial amenities and employment opportunities in the Denver Technological Center. It is therefore consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable, and Inclusive Goal 1, Strategy C: *“Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts”* (p. 28).

The proposed rezoning would enable infill development at a location where infrastructure is already in place. The requested S-MX-8 zone district broadens the mix of retail services and employment at an intensity consistent with the desire for dense and pedestrian-friendly destinations, and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *“Build a network of well-connected, vibrant, mixed-use centers and corridors”* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy B – *“Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *“Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities”* (p. 34).

The proposed rezoning would allow for an additional housing within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (p. 28).

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 A - *Promote infill development where infrastructure and services are already in place* (p. 54).

The proposed S-MX-8 zoning would allow for a broad variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods near transit expressed in Comprehensive Plan 2040.

Blueprint Denver (2019)

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 a Regional Center future place within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



The subject property is within the Suburban Neighborhood Context. “The suburban context represents the most varied development in Denver’s neighborhoods. Homes in this context are largely single-unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity” (p. 185). The proposed rezoning is consistent with the neighborhood context guidance in *Blueprint Denver*.

Blueprint Denver Future Places



The Future Places Map shows the subject property as part of a Regional Center. *Blueprint Denver* describes the aspirational characteristics of Regional Centers in the Suburban context as containing, “a high mix of uses...larger scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism with continuous building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas” (p. 194). The proposed district of S-MX-8 provides a wide range and mix of uses. The future proposed height of up to 8 stories is appropriate for a regional center in this location, given its proximity to transit, location within the regional center, and the allowed and existing building heights in the area.

Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies South Ulster Street and East Belleview Avenue as Commercial Arterial Future Street Types, which “are designed for the highest amount of through movement and the lowest degree of property access” (p.154). The use and built form characteristics of Commercial streets is described as, “Commercial streets typically contain

commercial uses including shopping centers, auto services and offices” (p.159). The proposed S-MX-8 zone district is consistent with this street type description as it is intended for more intense development with commercial uses.

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 a Regional Center. Regional Centers are anticipated to see around 30% of new housing growth and 50% of new employment growth by 2040 (p. 51). “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to S-MX-8 will focus mixed-use growth to a Regional Center where it has been determined to be most appropriate.

Additional Applicable Strategies

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

- Land Use and Built Form: General Policy 1, Strategy A – *Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers...* (p. 72).

- Land Use and Built Form: General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize property owners to come out of the old code (p. 73).*
- Land Use and Built Form: Housing Policy 8, Strategy A – *Align high-density residential areas near regional centers to support housing growth near major job centers with access to transit priority streets (p. 87).*

The proposed S-MX-8 zoning would allow higher-density mixed-use development in a regional center served by transit and rezone the property from Former Chapter 59 into the Denver Zoning Code. The proposed rezoning to S-MX-8 is consistent with the policies, context, place, growth strategy, and street type recommendations of Blueprint Denver.

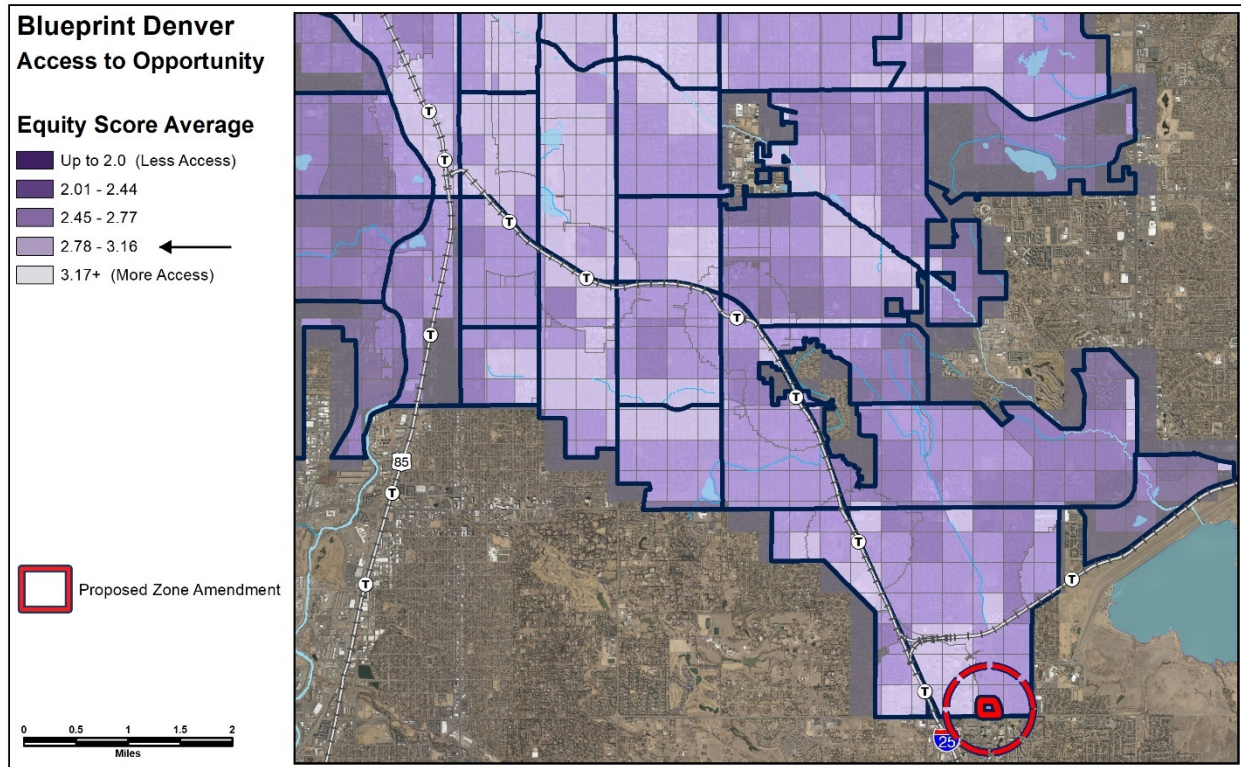
Blueprint Denver Equity Concepts & Analysis

Blueprint Denver provides three equity concepts to consider for planning and implementation: improving access to opportunity, reducing vulnerability to displacement and expanding housing and jobs diversity. These concepts and supplemental data are used to evaluate large area rezonings, such as this one at approximately 13 acres, with the goal of improving equity in the surrounding area through providing access to open space, access to and the mix of jobs and housing choices.

This evaluation, also known as an equity analysis, identifies gaps related to equity that should be considered and addressed as part of the Large Development Review and/or rezoning processes. The equity analysis is presented to the applicant at the pre-application phase after which an equity brief is provided for the applicant to respond to and incorporate into their application narrative. The equity brief is attached to the staff report.

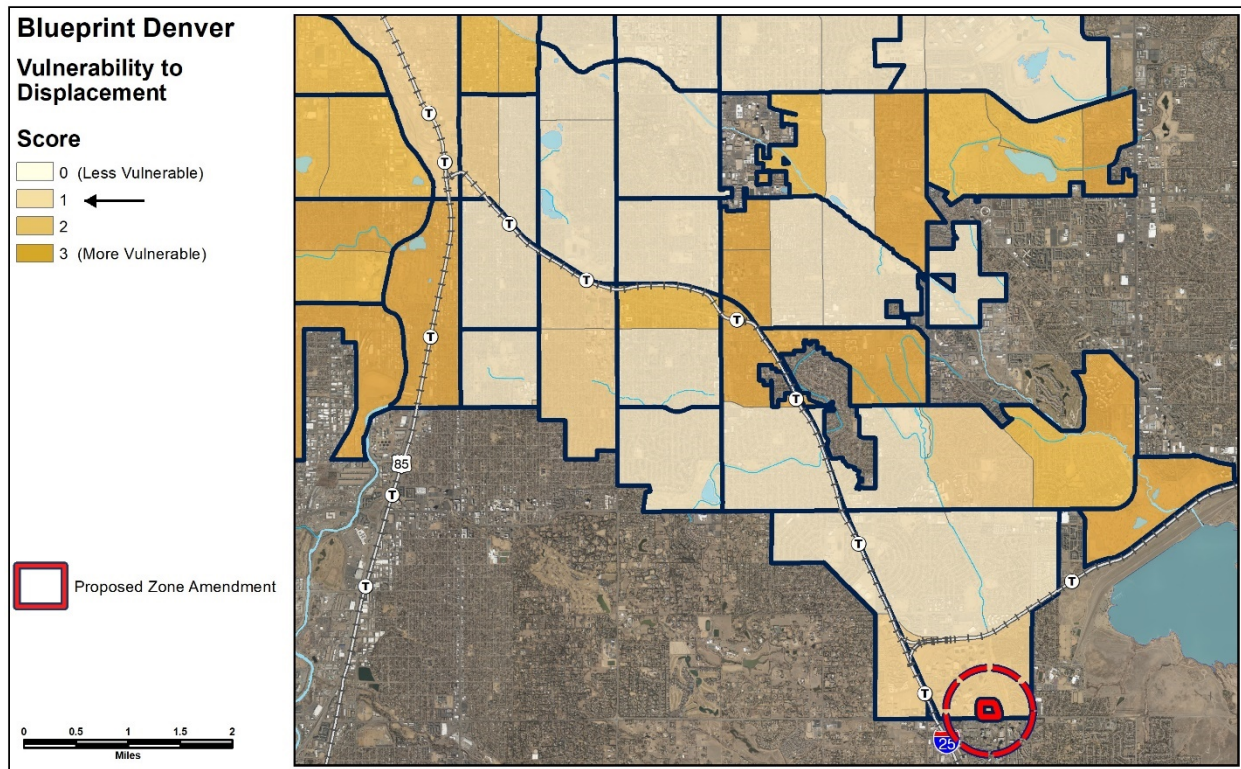
In this case, the subject sites score more equitable for access to opportunity, less vulnerable to displacement, similar to citywide averages for housing diversity and dissimilar from citywide averages for job diversity. The most pronounced equity gap identified in this area is a lack of income-restricted affordable housing units. The affordable housing agreement described above aims to directly address this. Additional items such as transit stop improvements, a better-connected street network and additional open space could be included in the IMP which is under development.

Access to Opportunity



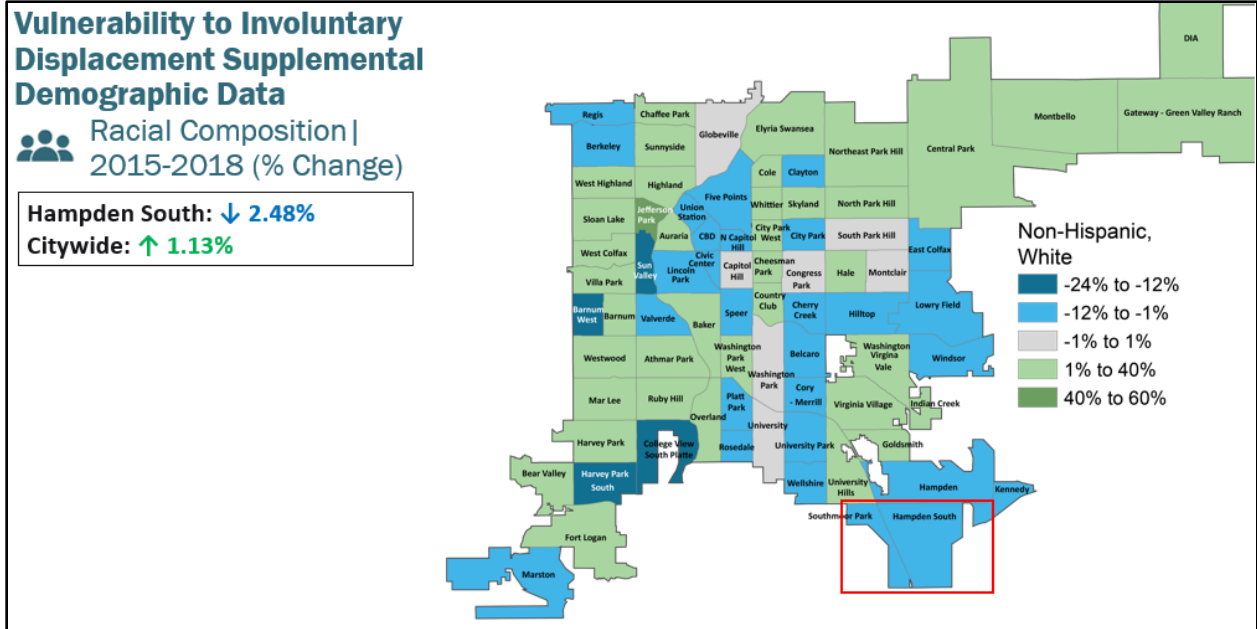
Hampden South is indicated as an area with higher than average access to opportunity, defined as access to basic goods, services and amenities to improve quality-of-life. However, the subject sites have less access to grocery stores. The proposed mixed-use zone district will allow a broad range of commercial uses, including the opportunity for grocery stores and healthy food options.

Vulnerability to Displacement

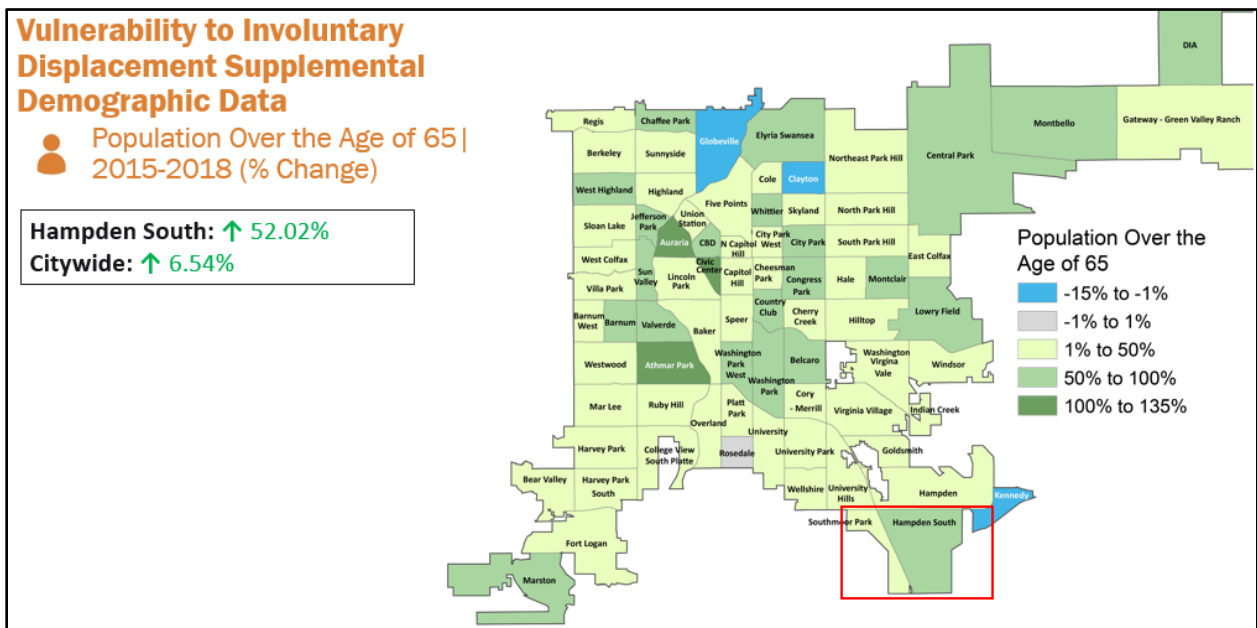


Hampden South is indicated as an area less vulnerable to displacement as it has higher than citywide averages for median household income and educational attainment. However, it does score vulnerable with regards to the percent of renter occupied units at 56.9% compared to the citywide average of 50.1%.

The equity analysis also contains supplemental data that highlights demographic changes and housing market conditions for the area. This data can be used to help better understand vulnerability to displacement, including how the demographics of the area have changed over time. As the Hampden South neighborhood is less vulnerable to displacement, key data points from the supplemental analysis that help illustrate economic and demographic changes that sharply contrast citywide trends are highlighted below.

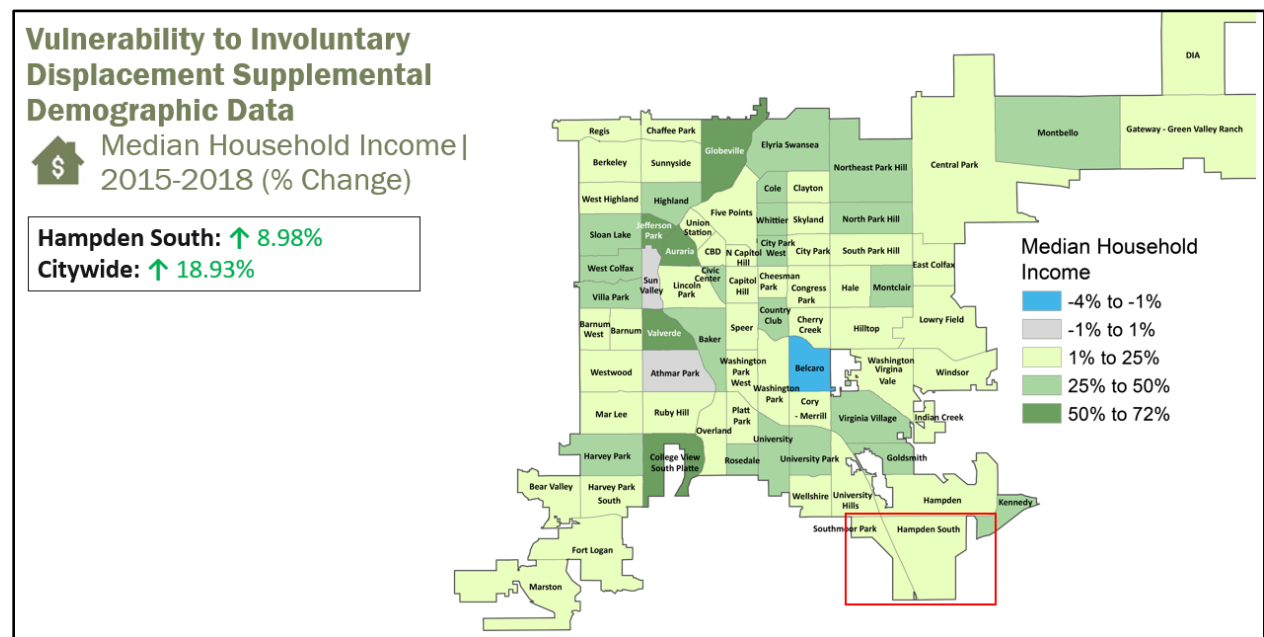
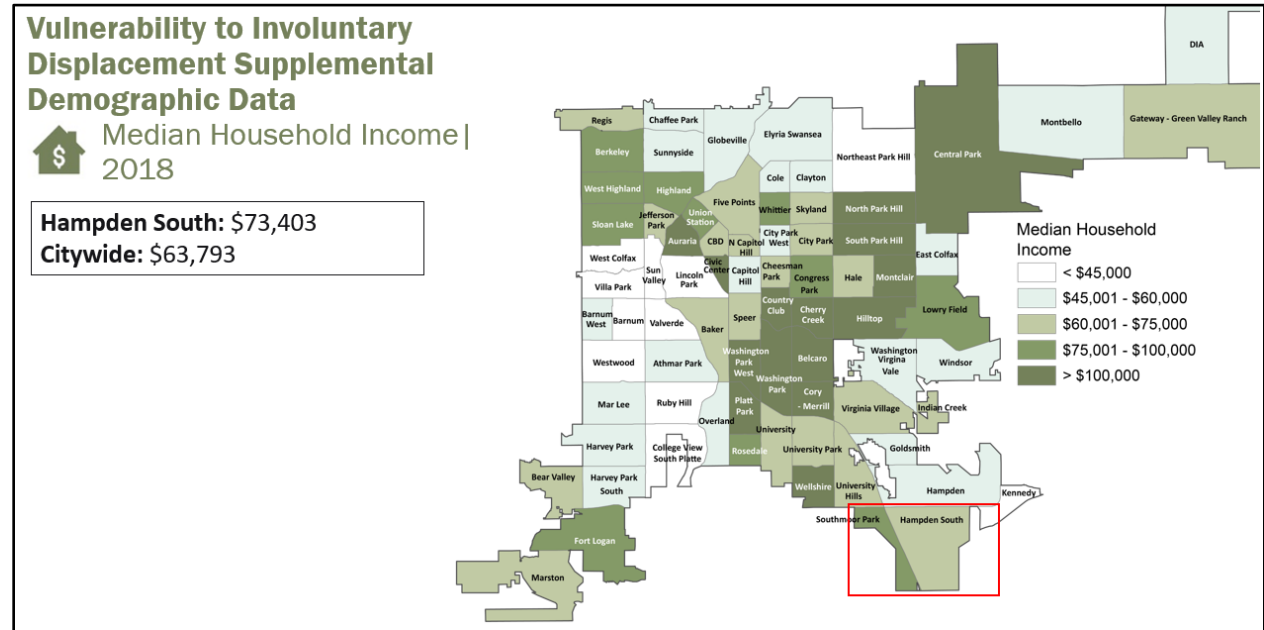


The change in racial composition (percent of non-Hispanic, White residents) increased citywide from 2015 to 2018 by 1.1% whereas Hampden South saw a decrease of White residents by 2.5%, becoming slightly more diverse.



Another stark contrast can be seen when comparing the percentage of population over the age of 65. 28.3% of the population in Hampden South is over the age of 65 while only 11.4% of the citywide population is over the age of 65. Similarly, in Hampden South the percent change of population over the

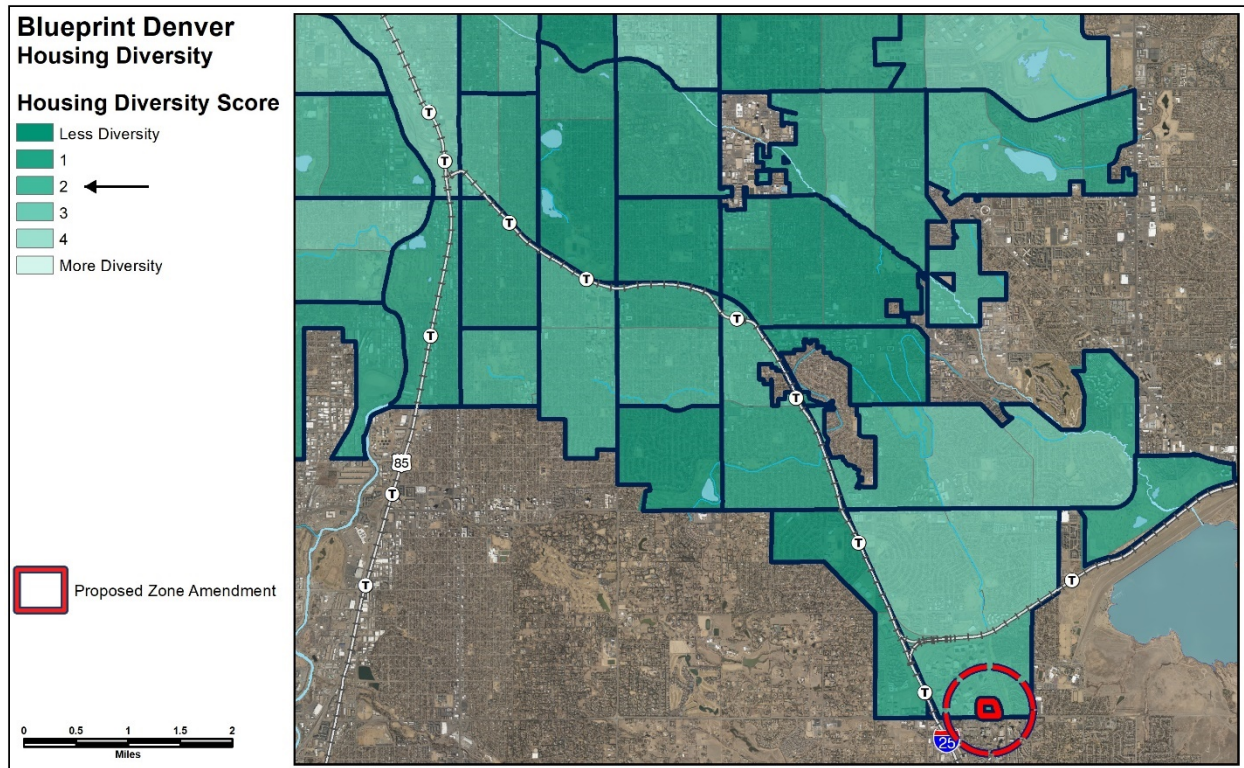
age of 65 from 2015 to 2018 increased by 52.2% while citywide population over the age of 65 increased by 6.5%.



Lastly, while median household income is higher in Hampden South than the citywide average (\$73,403 vs. \$63,793), incomes are increasing at a lower percentage than what is occurring citywide.

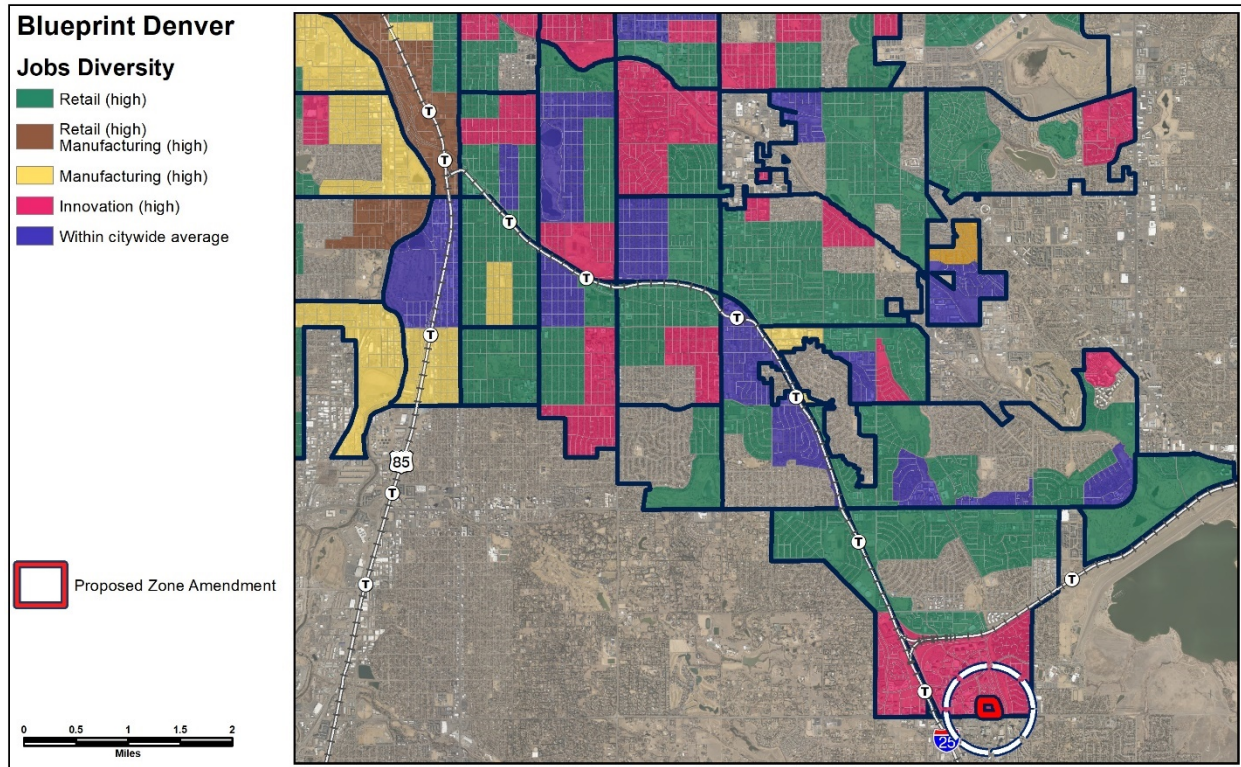
Overall, the proposed rezoning would allow for multi-unit residential development. It would not have a significant impact on the equity measures, but it could potentially provide opportunities for home ownership.

Housing Diversity



Hampden South is indicated as an area with moderate housing diversity. The neighborhood does not contain any income restricted units and is less diverse than citywide averages when analyzing bedroom counts in homes. The proposed rezoning, in conjunction with the proposed affordable housing agreement, will help diversify the bedroom counts in homes and provide income restricted units.

Jobs Diversity



Hampden South has a mix of jobs that skew higher in innovation than the city average, primarily located within the Denver Technological Center. The proposed rezoning to a mixed-use zone district could allow for additional retail jobs but would likely not have a direct impact on job diversity in the neighborhood.

Equity Analysis Outcomes

Through the equity analysis process, the city and neighborhood can expect more equitable outcomes with the development of this large site. A guaranteed outcome will be the execution of the affordable housing agreement detailed earlier in the staff report that will bring income restricted units and three-bedroom units to a part of the city where there are currently none in existence.

There are other commitments currently under discussion that would also lead to equitable outcomes. The applicant team has expressed an interest and willingness to upgrade the existing RTD bus stop on South Ulster Street to promote the use of public transportation for future users of the site. This commitment would be memorialized in the Infrastructure Master Plan which is currently in development and could contain additional elements such as a better-connected street network and increased open space. The property owner has also expressed an interest and willingness to provide fresh-food options or a grocery store on site as this was a need identified in both the equity analysis and from the neighborhood at the LDR community information meeting. While these uses would not be memorialized in a development agreement given the necessary market conditions and challenging

nature of attracting a grocery store, the property owner has been actively searching for a grocer to anchor the redevelopment since the equity analysis was presented in July 2020.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-8 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 plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

4. Justifying Circumstances

Changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances under DZC Section 12.4.10.8.A.4, "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: ...That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." As discussed above, the property was not rezoned with the adoption of the Denver Zoning Code in 2010 and retained Former Chapter 59 zoning. Rezoning the property into a Denver Zoning Code zone district is in the public interest to ensure more consistent and higher quality development outcomes, justifying the proposed rezoning. Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan...."

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

Overall, the proposed map amendment is consistent with the Suburban Neighborhood Context. The Denver Zoning Code describes the Suburban Context as characterized by single-unit, and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Multi-unit residential and commercial uses are primarily located along arterial and collector streets. Block patterns in the Suburban Context are irregular and shaped by curvilinear streets and modified grid streets.

The Suburban mixed-use zone districts are intended to "promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods." They are "appropriate along corridors, for larger sites and at major intersections." They include "building form standards that balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening" (DZC Section 3.2.4.1).

The SMX-8 zone district intent is that “it applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.” (DZC Section 3.2.4.2.H). The proposed zone district will provide predictable building forms, allow for reinvestment, and accommodate future development that furthers the district’s purpose and intent.

Attachments

1. Application
2. 8101 E. Belleview Ave. Waivers and Condition (1988)
3. 8351 E. Belleview Ave. Waivers (1978)
4. Large Development Framework
5. Equity Brief