



TO: Denver City Council
FROM: Libby Kaiser, Senior City Planner
DATE: March 4, 2021
RE: Official Zoning Map Amendment Application #2020I-00098

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00098.

Request for Rezoning

Address: 4700 E. Evans Avenue
Neighborhood/Council District and CM: Goldsmith Neighborhood / Council District 4, CM Kendra Black
RNOs: East Evans Business Association, Virginia Village / Ellis Community Association, Southside Unified, University Hills North Community, Inter-Neighborhood Cooperation (INC)
Area of Property: 67,288 square feet or 1.54 acres
Current Zoning: I-MX-3
Proposed Zoning: S-MX-8A
Property Owner(s): Greenbox IV, LLC
Owner Representative: Jo Ryan

Summary of Rezoning Request

- The property is in the Goldsmith statistical neighborhood on E. Evans Avenue, east of Interstate 25.
- The property, owned by Greenbox IV, LLC, is vacant.
- The property is currently zoned I-MX-3, which allows a mix of industrial, commercial, residential, and civic uses with a maximum height of 3 stories.
- The applicant is requesting this rezoning to enable a new automobile sales format that stores vehicles in a transparent tower for retrieval by online purchasers.
- The proposed zone district, S-MX-8A, is summarized as follows:
 - The S-MX-8A zone district stands for Suburban, Mixed Use, with a maximum height of 8 stories, or 110 feet. The "A" adds design standards that provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General and Shopfront building forms to encourage a more pedestrian-oriented environment than would be achieved under the standard S-MX-8.
 - S-MX zone districts allow a mix of residential, civic, commercial, and industrial uses and 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.

- Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

Existing Context

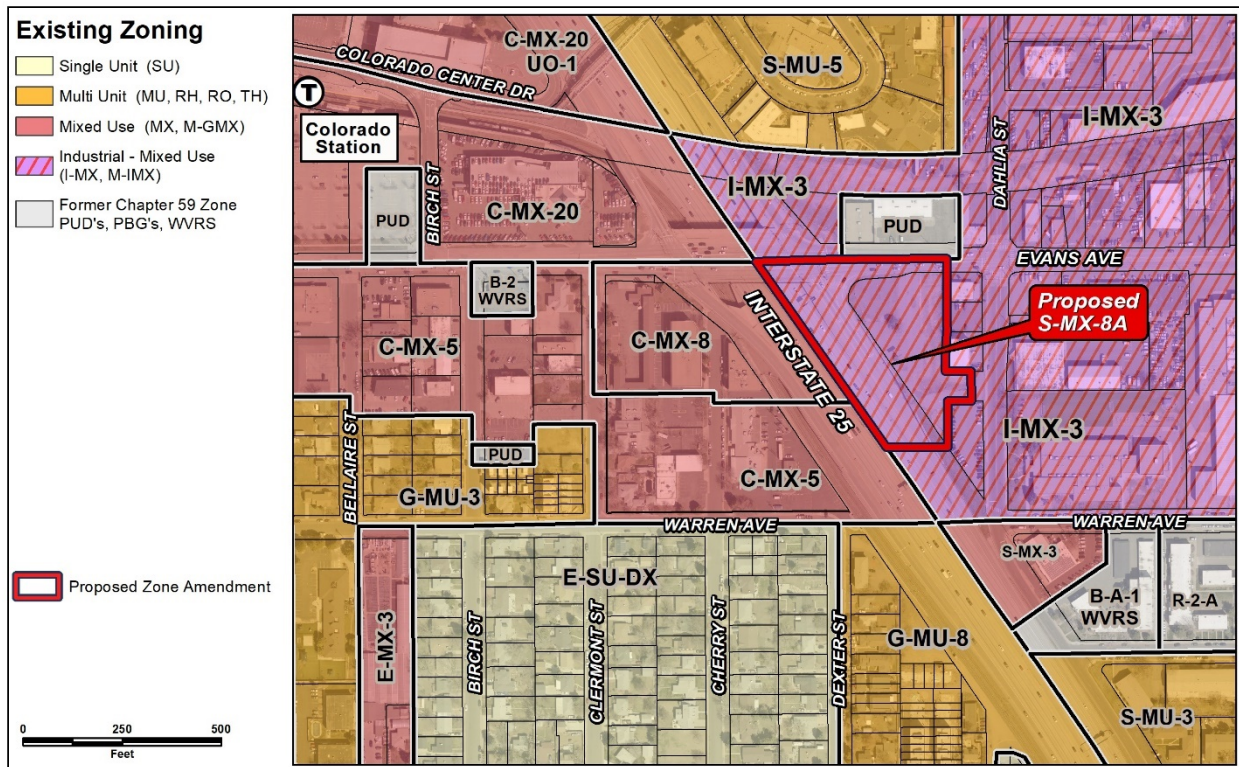


The subject property is located within the Goldsmith Neighborhood in the E. Evans Avenue commercial and industrial corridor east of Interstate 25. Nearby uses include a fitness center, doughnut shop, paint store, bar, and a German language school that are one to two stories in height. The nearest multi unit residential uses are approximately 300 feet to the north and the nearest single unit neighborhoods are at least 400 feet away. The Colorado Station light rail stop lies approximately 1,200 feet to the northwest, across Interstate 25, and the site is served by bus route 21 on E. Evans Avenue and bus route 46 on S. Dahlia Street. The existing bike network identifies S. Dahlia Street as a shared roadway and a pedestrian/bicycle bridge northwest of the site crosses Interstate 25 and connects to the light rail 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	I-MX-3	Vacant	NA	Streets are generally orthogonal, but the pattern is irregular and connectivity is poor. Block sizes, shapes, building setbacks, and street orientation are varied. Surface parking is prevalent and is provided to the front, side and rear of buildings. Alleys are nonexistent.
North	PUD 166 & I-MX-3	Retail	1-story commercial buildings and surface parking	
South	I-MX-3	Transportation	Interstate 25 and surface parking	
East	I-MX-3	Bar, language school, office, truck rental	1- to 2-story commercial buildings and surface parking	
West	C-MX-5, 8	Office, public-quasi public, commercial, parking	1- to 3-story commercial buildings with minimal setbacks along S. Cherry Street and surface parking	

1. Existing Zoning



The existing zoning on the subject property is I-MX-3. “The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.” (DZC Section 9.1.2.1.A.1.). “Industrial Mixed Use 3 (I-MX-3) applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.” (DZC Section 9.1.2.1.A.2.). The zone district allows the Town House, General and Shopfront building forms.

The parking requirement for an Automobile / Motorcycle / Light Truck Sales use is 0.5 parking spaces per 1,000 square feet of gross floor area. Surface Parking spaces shall not exceed 110% of the minimum parking spaces required since the subject property is within 1/4 mile of the outer boundary of a Rail Transit Station Platform (DZC Section 10.4.4.4).

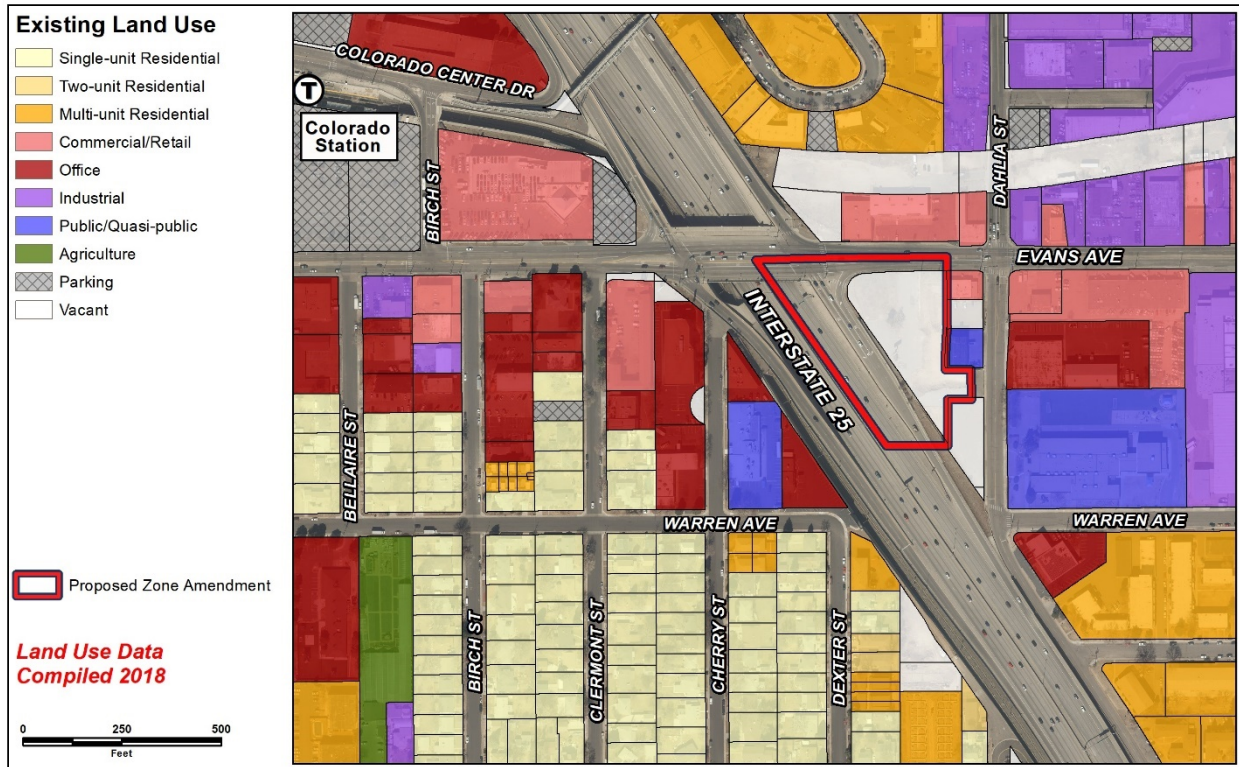
2. Status of Development Services Review

The applicant has been working with Development Services concurrent with their rezoning request. Zone lot amendments have been processed and Development Services has released the applicant from Concept Review, giving the applicant permission to proceed with a Formal Site Development Plan. However, a Site Development Plan will not be approved for zoning review until the rezoning process has been completed.

3. Affordable Housing Agreement/Development Agreement

Based on the proposed development, the subject property wouldn't include any residential units in the near term. Nevertheless, the Department of Housing Stability and the applicant plan to execute a Voluntary Affordable Housing Agreement that would require 10% of all housing units be affordable at 80% of Area Median Income if the site should incorporate any residential uses in the future.

4. Existing Land Use Map



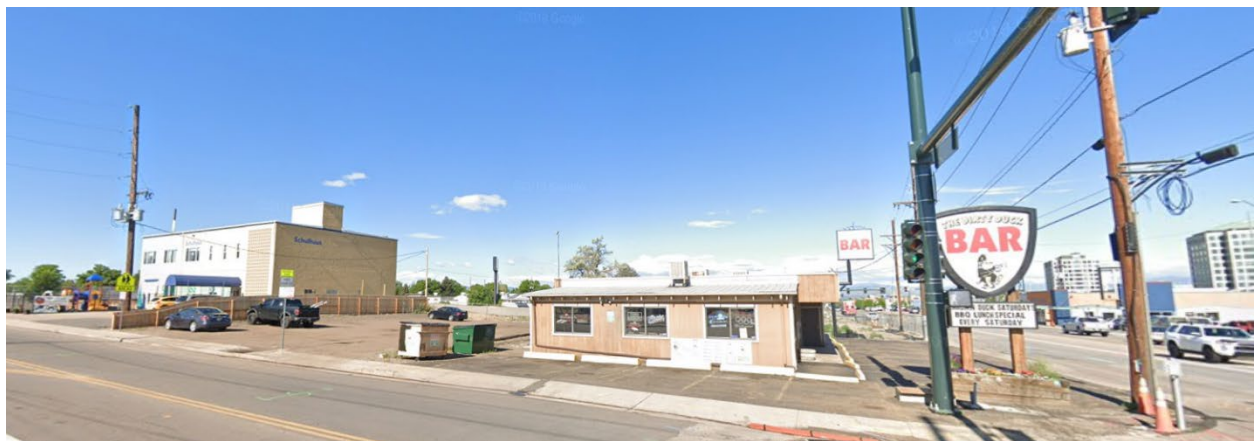
5. Existing Building Form and Scale (Source: Google Maps)



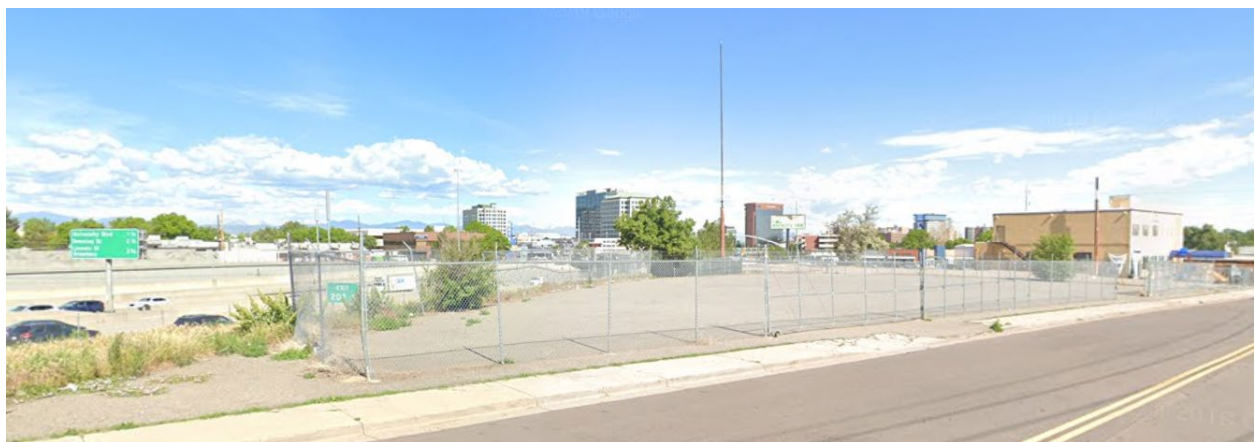
Site - Looking south from E. Evans Avenue



North - Looking northwest from E. Evans Avenue



East - Looking west from S. Dahlia Street



South - Looking northwest from S. Dahlia Street



West - Looking north from Interstate 25 off-ramp to E. Evans Avenue

Proposed Zoning

The proposed zone district is S-MX-8A. The general purpose of the S-MX zone districts is “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.” (DZC Section 3.2.4.1.A.). The specific intent of the requested S-MX-8A zone district “applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.” (DZC Section 3.2.4.2.I.).

The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height in feet is 110’ with allowable encroachments. The minimum Primary Street setback is 0’. The minimum build-to is 60% within 0’ to 20’ with 40% transparency on a Primary Street and 25% transparency on a Side Street. Surface parking is not allowed between the building and the Primary Street.

Same as in the current I-MX-3 zone district, the minimum vehicle parking requirement for an Automobile / Motorcycle / Light Truck Sales use is 0.5 parking spaces per 1,000 square feet of gross floor area. Surface Parking spaces shall not exceed 110% of the minimum parking spaces required since the subject property is within 1/4 mile of the outer boundary of a Rail Transit Station Platform (DZC Section 10.4.4.4). For additional details regarding building form standards in the S-MX-8A zone district, see DZC Section 3.3.3.4.

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

Design Standards	I-MX-3 (Current)	S-MX-8A (Proposed)
Primary Building Forms Allowed	Townhouse, General, Industrial	General, Shopfront
Height in Stories/Feet (max)	3/45'	8/110'
Primary Street Build-To Percentages (min)	0-70%	60%
Primary Street Build-To Ranges	0' to 15'*	0' to 20'
Primary Street Setbacks (min)	0' to 10'*	0'
Surface Parking Between Building and Primary Street	Allowed for Industrial Building Form	Not Allowed
Transparency, Primary Street (min)	40% for Townhouse and General Building Forms	40%

*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:

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 Response.

Transportation and Infrastructure - Surveyor: Legal is approved.

Development Services – Project Coordination: Approved – See Comments.

- Approve Rezoning Only - Will require additional information at Site Plan Review
- Project is currently in for a Concept Review (2020-CONCEPT-0000258 / 2020-PM-0000439)

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Comments.

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:	9/15/2020
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:	12/21/2020
Planning Board voted unanimously to recommend the rezoning:	1/6/2021
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:	1/5/2021
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	1/19/2021
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:	2/15/2021
City Council Public Hearing:	3/8/2021

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date, the East Evans Business Association has provided a letter of support, stating the proposed rezoning and development would create a safer and more pedestrian-oriented environment while positively contributing to the area’s character.
 - **General Public Comments**
 - Staff has also received five comments from residential and commercial entities in support of the rezoning, stating it would facilitate redevelopment of a vacant lot at a prominent gateway and improve the overall streetscape. One individual submitted a letter of opposition to the proposed development, which is a new automobile sales format that stores vehicles in a transparent tower for retrieval by online purchasers.

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)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with several of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning, near a light rail station, would improve the quality of the pedestrian environment with a building close to the street and a high level of transparency, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy B – Implement a high-quality, affordable and accessible multi-modal transportation system (p. 28).

The proposed rezoning would add vitality to a currently vacant lot on a mixed-use corridor and improve pedestrian connectivity, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).

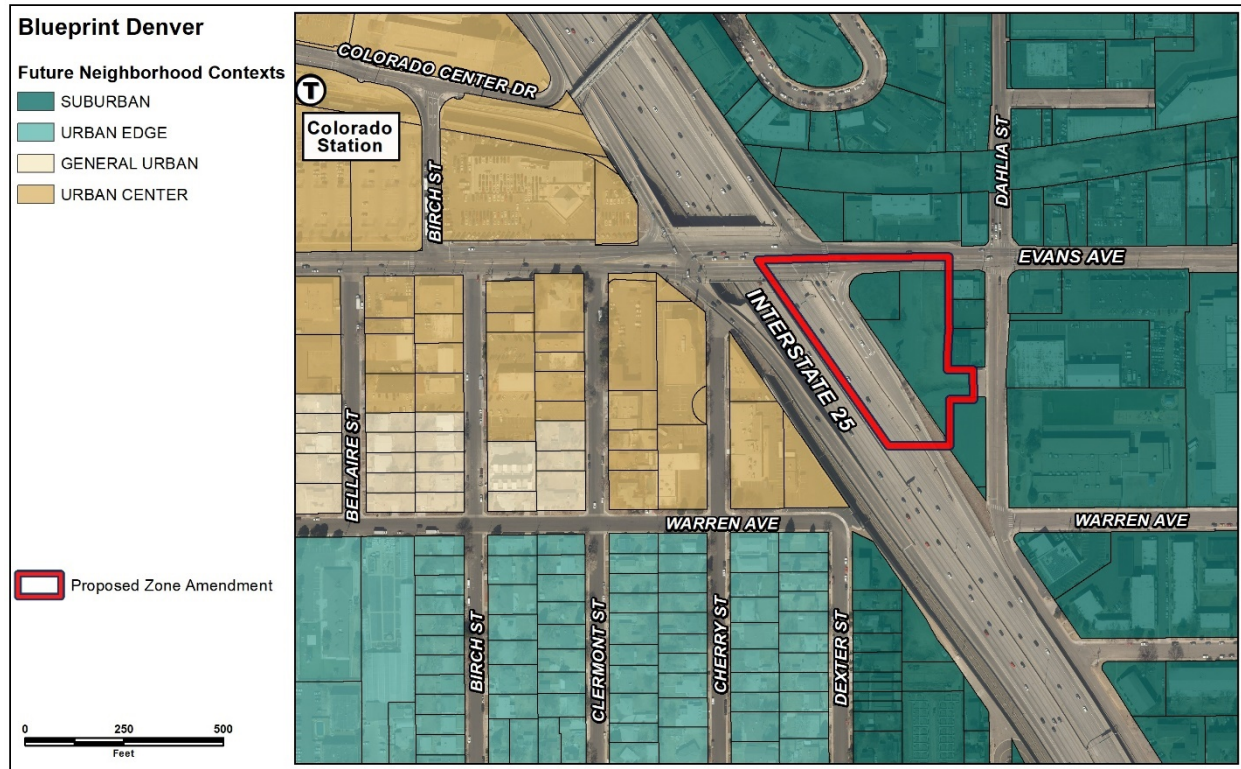
The proposed map amendment would allow for compatible infill development in an established neighborhood near transit, consistent with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

Blueprint Denver

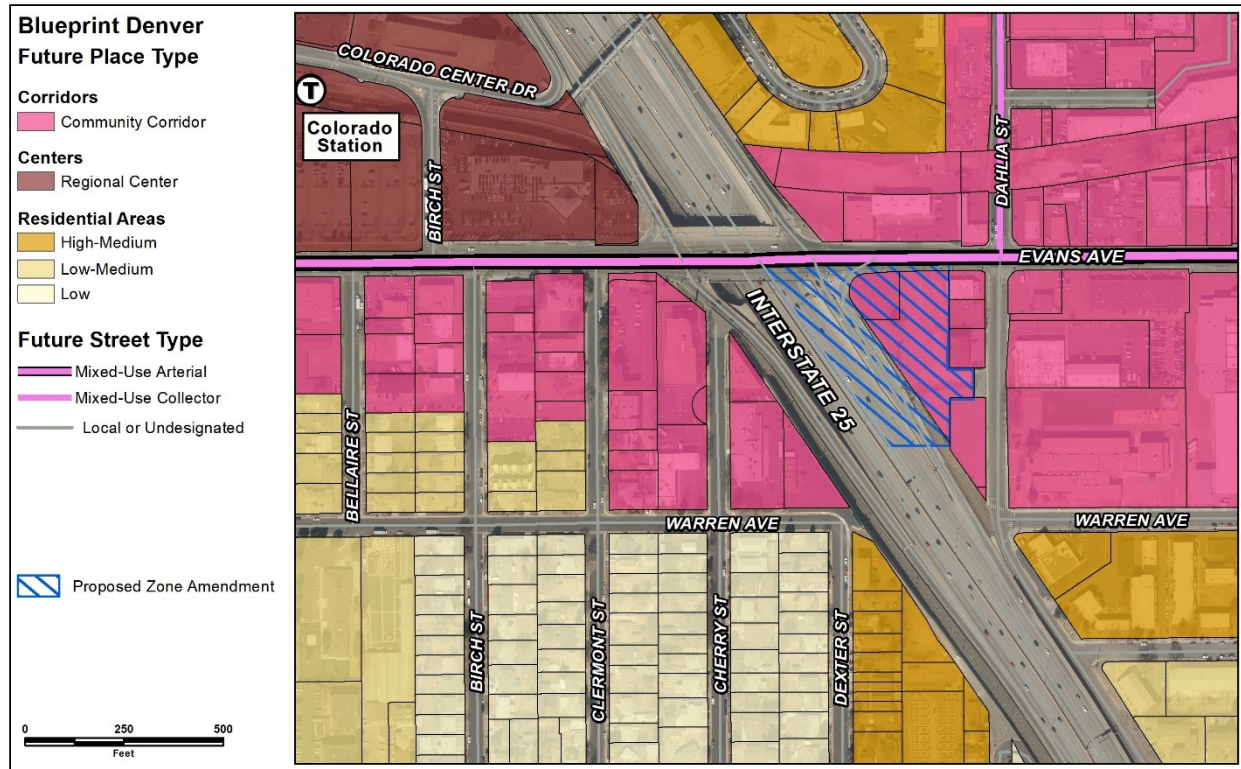
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Community Corridor place within the Suburban Neighborhood Context 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 things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Suburban Neighborhood Context. “Many suburban context areas are single-unit residential, but multi-unit also occurs. 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. 190). The proposed S-MX-8A zone district is part of the Suburban context and “applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.” (DZC Section 3.2.4.2.I.). Since the proposed district focuses commercial development along a main corridor and includes design standards that contribute to quality multimodal connectivity, the proposed rezoning to the Suburban context is appropriate and consistent with the plan.

Blueprint Denver Future Places and Streets

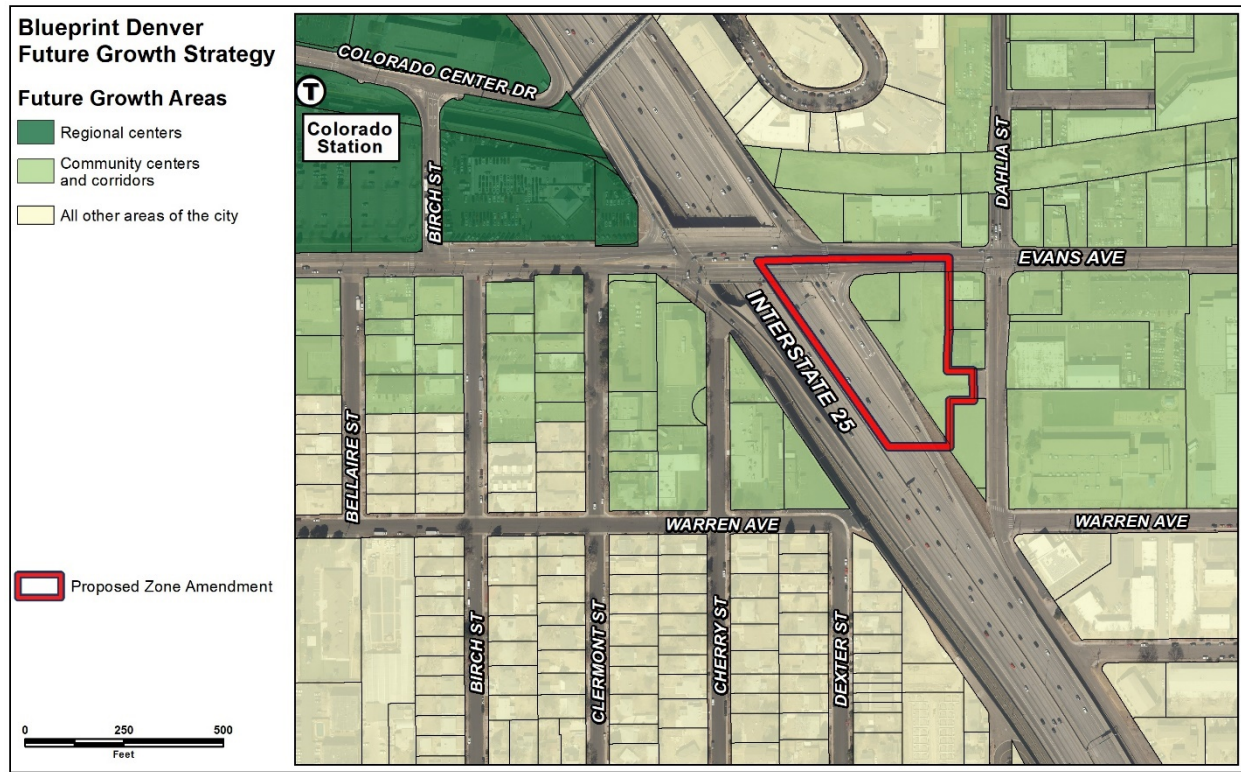


The Future Places Map designates the subject property as part of a Community Corridor. *Blueprint Denver* describes the aspirational characteristics of Community Corridors in the Suburban context as: “Typically provides some mix of office, commercial and residential. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels vary depending on the type and mix of uses. Buildings have a distinctly linear orientation...Heights are generally up to 5 stories...” (p. 196) As such, the proposed district of S-MX-8A provides a wide range and mix of uses with a maximum height of 8 stories, which is appropriate for a Community Corridor in this location. According to the building height guidance in *Blueprint Denver*, building heights taller than specified in a future place type make sense in transitional areas between higher and lower intensities, in proximity to transit, and where urban design goals can be achieved (p. 66). In this case, the subject property is between zone districts allowing up to 3 stories east of Interstate 25 and 5-20 stories west of Interstate 25, within 1/4 mile of the Colorado Station light rail stop. Furthermore, the S-MX-8A district includes standards that help achieve other urban design goals.

The definitions of Future Street Types in *Blueprint Denver* work in concert with the Future Place Types to evaluate the appropriateness of the intensity of adjacent development (p. 67). *Blueprint Denver* classifies E. Evans Avenue as a Mixed-Use Arterial. According to the plan, mixed-use streets support a “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback.” (p. 159). The proposed S-MX-8A district is consistent with this description as it is intended to be applied to “areas or

intersections served primarily by arterial streets.” (DZC 3.2.4.2.1.). To the east, Dahlia Street is undesignated and would provide secondary access to the site.

Blueprint Denver 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 Community Centers and Corridors growth area, which is anticipated to attract 20% of new jobs and 25% of new households 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 a mixed-use, 8-story district will focus growth to a Community Corridor where it has been determined to be appropriate. With this rezoning, access to jobs, housing, and services can improve in proximity to bus and light rail transit.

Blueprint Denver Strategies

The proposed rezoning also helps further the following policies related to urban design as the S-MX-8A zone district requires at least 60% of buildings be built within 0' to 20' with 40% transparency on a Primary Street and 25% transparency on a Side Street. Surface parking is not allowed between the building and the Primary Street.

- Land Use & Built Form: Design Quality & Preservation Policy 4: Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.
- Land Use & Built Form: Design Quality & Preservation Policy 5: Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-8A 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 the implementation of the City's adopted plans. The rezoning would allow redevelopment of an underutilized site into a new, safe, walkable, pedestrian-friendly environment in proximity to a light rail station. The proposed rezoning would facilitate increased development intensity and a mix of uses, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

4. Justifying Circumstance

The application identifies several changed or changing conditions as the justifying circumstance 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 change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan..."

The area around the Colorado Station light rail stop, which opened in 2006, has been redeveloping into higher intensity uses over the past several years, and the proposed S-MX-8A zone district will provide a better transition between building heights west and east of the interstate while ensuring a more active street front than could be achieved under the current I-MX-3 zone district. In addition, the City has updated *Blueprint Denver* since designation of the existing zoning. The previous *Blueprint Denver* of 2002 identified the land use of the subject property as industrial and within an Area of Stability, where change and growth was less desirable. In contrast, the updated *Blueprint Denver* identifies the subject property as a Community Corridor, where a mix of office, commercial and residential uses are appropriate. The updated plan also seeks to direct growth to Community Corridors per the future growth strategy. Therefore, the proposed rezoning is in the public interest

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

as it acknowledges the ongoing transformation in the area and would help implement the current long-range plan.

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

The requested S-MX-8A zone district is within the Suburban Neighborhood Context, which “is 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.” (DZC Section 3.1.1). The general purpose of the S-MX zone districts is “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.” (DZC Section 3.2.4.1.A). The specific intent of the requested S-MX-8A zone district “applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.” (DZC Section 3.2.4.2.1.). The proposed rezoning to S-MX-8A would allow more intense development along the E. Evans Avenue, a mixed-use arterial, and would improve the quality of the pedestrian environment with the General building form built close to the street with a high level of transparency, in a location consistent with the neighborhood context description, zone district purpose and intent.

Attachments

1. Application
2. Public comments