



TO: Denver City Council Land Use, Transportation and Infrastructure Committee
FROM: Theresa Lucero, Senior City Planner
DATE: January 2, 2020
RE: Official Zoning Map Amendment Application #2019I-00130

Staff Report and Recommendation

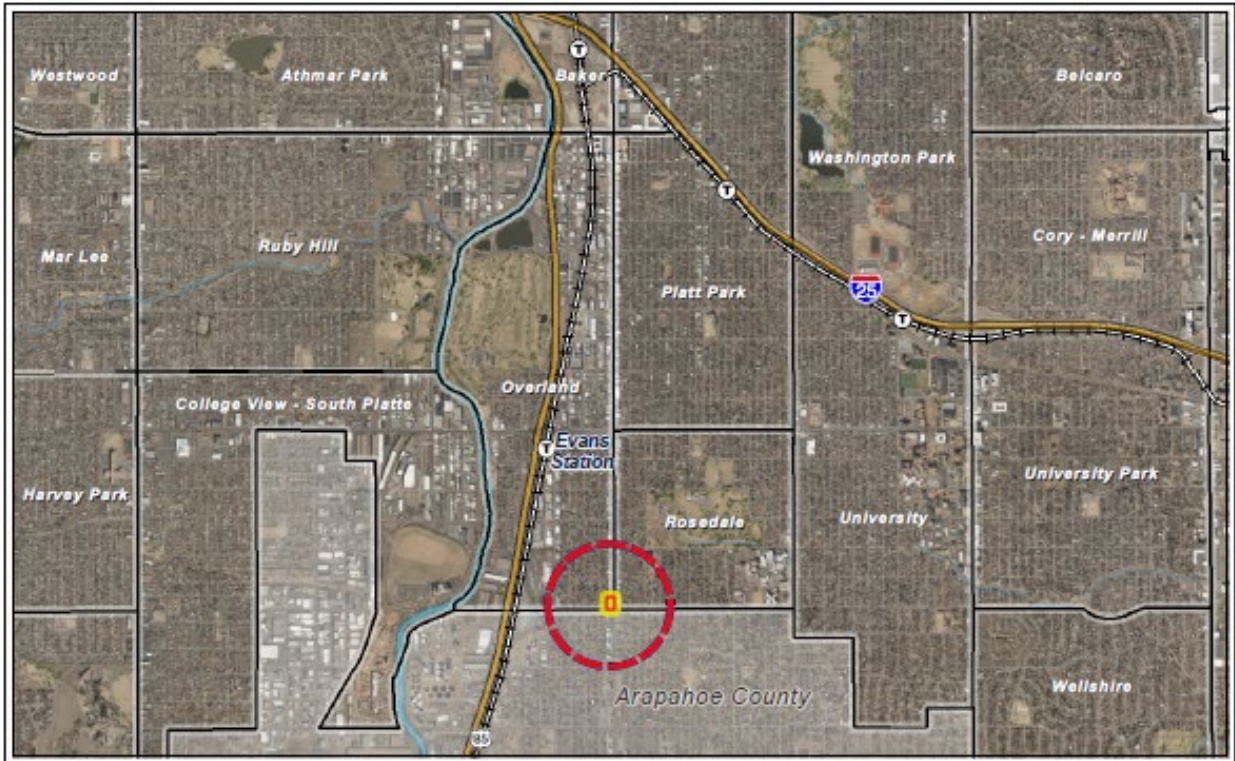
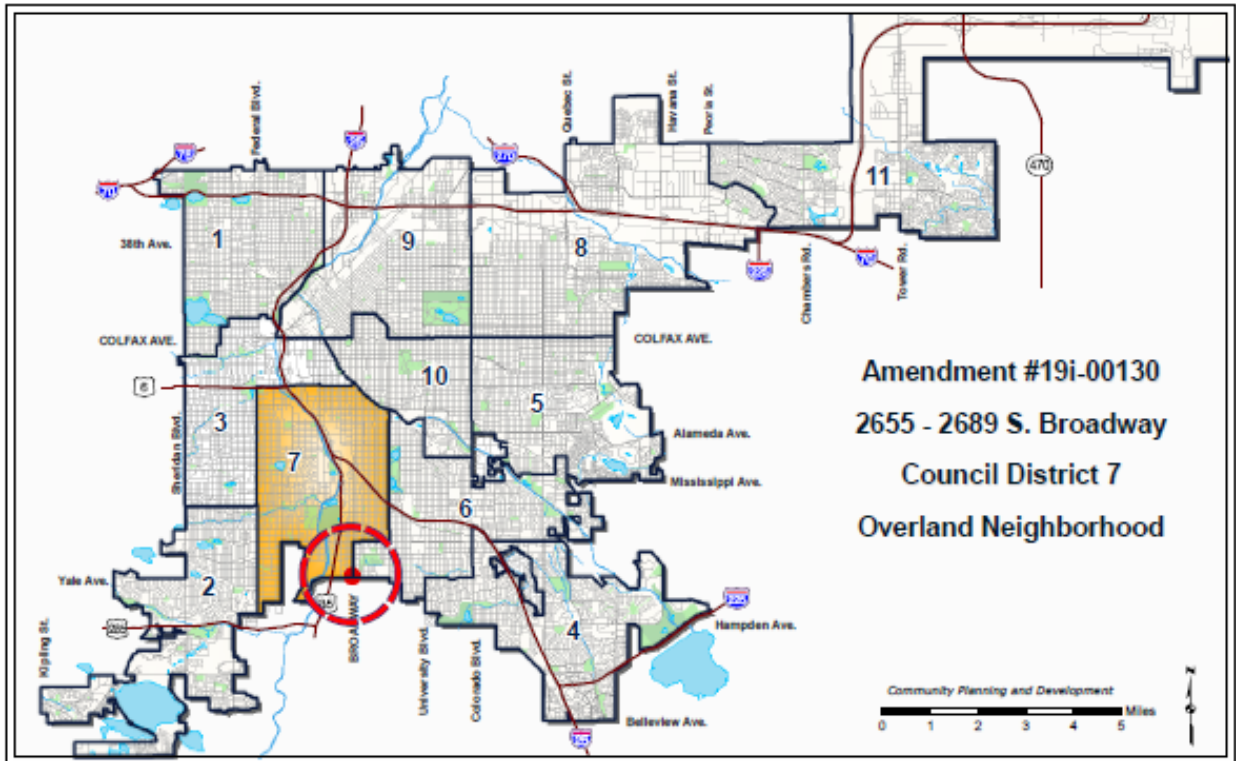
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00130.

Request for Rezoning

Address: 2655-2689 South Broadway Street
Neighborhood/Council District: Overland Neighborhood/ City Council District 7
RNOs: Overland Park Neighborhood Association; Rosedale Harvard Gulch Neighborhood Organization; Southwest Denver Unidos, Inter-Neighborhood Cooperation (INC)
Area of Property: 31,249 square feet or 0.717 acres
Current Zoning: U-MX-3, UO-1, UO-2
Proposed Zoning: U-MS-5, UO-1, UO-2
Property Owner(s): Flywheel Yale LLC
Representative: Zell Cantrell, Galloway & Company, Inc.

Summary of Rezoning Request

- The proposed rezoning is in City Council District 7 in the Overland Park Neighborhood. The subject property is 31,249 square feet on South Broadway Street on the northwest corner of West Yale Avenue and South Broadway Street.
- The property contains six commercial structures. The northern three structures were built in 1931 and the southern three structures were built in 1895. The applicant is applying for a rezoning to redevelop the property with ground-level retail and four stories of residential above the retail uses. Ten percent of the proposed dwelling units are proposed to be affordable units.
- The U-MS-5 zone district is **U**rbane, **M**ain **S**treet, **5**-story and the proposed UO-1 and UO-2 overlays would carry forward the existing entitlement for adult land uses and an existing billboard. The 5-story allowed height equates to 70 feet. The Urban Neighborhood Context is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located primarily along mixed-use arterials or on main streets. Within the U-MS-5 zone district the Town House and the Shopfront primary building forms are allowed and Drive Thru Services and Restaurants are allowed unless the zone lot is within ¼ mile of the outer boundary of a Rail Transit Station Platform. The subject property is not within ¼ mile of the boundary of a rail transit platform. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).



Existing Context



Map Date: November 20, 2019

The subject property is in the Overland statistical neighborhood, which has primarily industrial land uses with mixture of single- and two-unit residential uses surrounded by either industrial, commercial or park land uses. South Broadway forms the eastern boundary of the neighborhood and the South Platte River forms the western neighborhood boundary. Mississippi Avenue forms the northern boundary of the neighborhood and Yale Avenue forms the southern boundary. There is a pattern of rectangular blocks shaped by a street grid pattern. A nearby bus stop on the east side of Broadway at Yale includes a stop for the route 0 and 0 Limited bus lines on South Broadway Street with 5-10 minute headways. The subject property is two blocks southwest of City of Kunming and Rosedale Park, and 8 blocks west of Porter Hospital and $\frac{1}{2}$ block west of Swallow Hill Music. South Santa Fe Drive is 6 blocks to the west and the South Platte River is 8 blocks to the west.

State Home Park Mountain View Plane

The subject property is within the State Home Park Mountain View Plane. The view plane allowed height is 76 feet.

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	U-MX-3, UO-1, UO-2	Commercial	1-story commercial buildings with 0-40 ft. setback	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (no alley access).
North	U-MX-3, UO-1, UO-2	Commercial	1-story commercial building with no setback	
South	MU-B-2 (Englewood – Mixed Use Arterial Business District, allowing height up to 60 ft.)	Commercial	1-3 story commercial buildings with 0-75 ft. setback	
East	U-MX-3, UO-1, UO-2	Commercial	1-story commercial building with moderate setback	
West	U-TU-C	Single & Two-unit residential	1-2 story residential buildings with moderate setback	

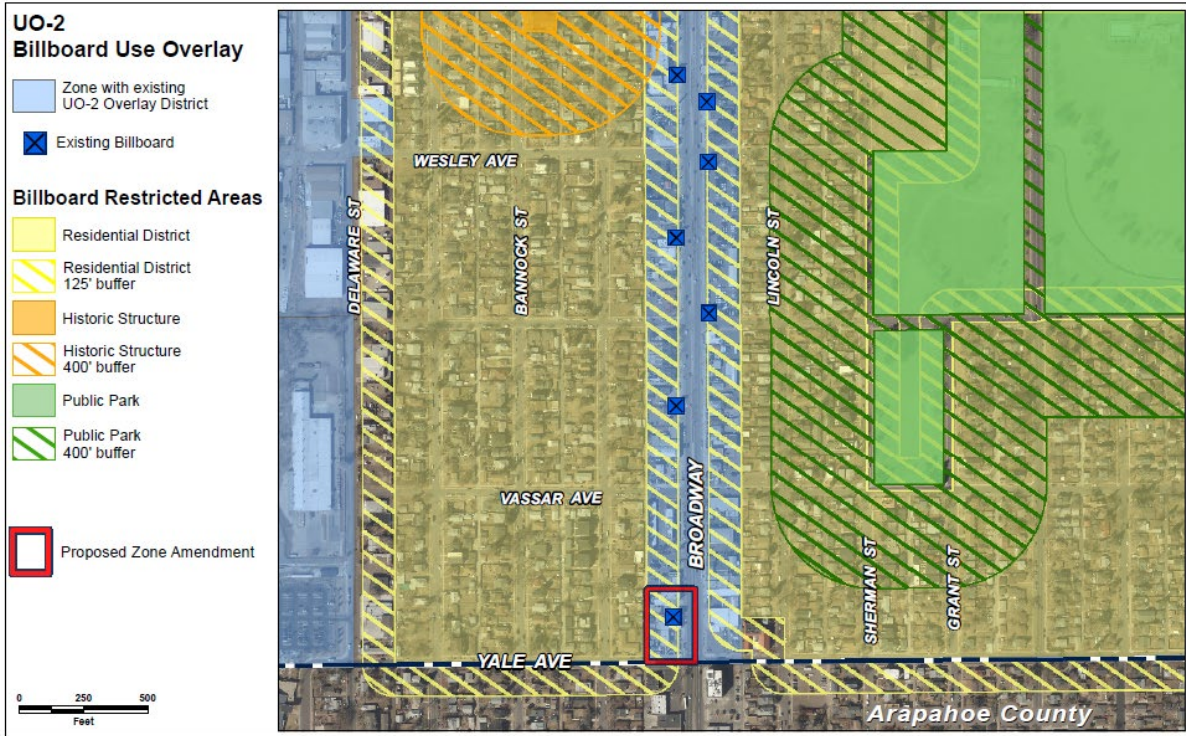
1. Existing Zoning



Map Date: November 20, 2019

The subject site is currently zoned U-MX-3, UO-1, UO-2. U-MX-3 is a mixed use zone district allowing the Town House and the Shopfront primary building forms with Drive Thru Services and Restaurants allowed unless the zone lot is within $\frac{1}{4}$ mile of the outer boundary of a Rail Transit Station Platform. The district allows a maximum height of 38-45 feet. The district allows a variety of residential, civic, and commercial land uses. The proposed UO-1 and UO-2 overlay district will carry forward the existing entitlements allowing adult uses and the existing billboard, subject to limitations. See the UO-2 Billboard Use Overlay map below. The hashed areas on the map are areas where new billboards would not be allowed.

UO-2 Billboard Use Overlay



Map Date: November 20, 2019

2. Existing Land Use Map



Map Date: November 20, 2019

Land Use Data Compiled 2018

3. Existing Building Form and Scale



Subject Properties



Northern Property



Southern Property



Eastern Property



Western Property

Source: Google Maps

Proposed Zoning

The U-MS-5 zone district allows Town House and Shopfront primary building forms with Drive Thru Services and Restaurants allowed. Build to ranges from zero to five or ten feet and upper story setbacks apply adjacent to the rear protected U-TU-C zone district.

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

Design Standards	U-MX-3 (Existing)	U-MS-5 (Proposed)
Primary Building Forms Allowed	Town House, Drive Thru Services*, Drive Thru Restaurant*, General, Shopfront	Town House, Drive Thru Services*, Drive Thru Restaurant*, Shopfront
Height in Stories/Feet (max)	3/38-45 feet**	5/70 feet
Primary Build-To Percentages (min)	70-75%**	75%
Primary Build-To Ranges	0/15; 10/15 feet**	0/5 feet; 0/10 feet**
Primary Setbacks (min)	0'-10'**	0'-10'**
Protected District: Rear Setback (alley)	0 feet	0 feet
Upper Story Setback Above 27 Feet Adj. to Protected district (alley)	15 feet	20 feet
Upper Story Setback Above 51 Feet Adj. to Protected district (alley)	N/A	35 feet

*Building form not allowed within a ¼ mile of a transit station platform. The subject site is not within 1/4 mile of a transit station platform.

**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 Environmental Health: Approved – No Comments.

Parks and Recreation: Approved – No Comments.

Public Works – ROW - City Surveyor: Approved – No comments.

Development Services - Transportation: Approve – No response.

Development Services – Wastewater: Approved - No response.

Development Services – Project Coordination: Approved – No response.

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:	09/23/19
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:	12/02/19
Planning Board public hearing and a unanimous (7-0) vote to recommend approval:	12/18/19
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:	12/23/19
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward (tentative):	01/07/20
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:	01/27/20
City Council Public Hearing (tentative):	02/18/20

- **Registered Neighborhood Organizations (RNOs)**
To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
To date staff has received no other comment letters.

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 currently apply to this property:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)
- Overland Neighborhood Plan (1993)
- Housing an Inclusive Denver (2018)

Denver Comprehensive Plan 2040

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

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, a mix of housing types, and affordable housing units adjacent to South Broadway Street, a high capacity transit corridor. The application is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).
- Equitable, Affordable and Inclusive Goal 2 Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families* (p. 28).

Similarly, the proposed U-MX-5 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods around transit corridors. And the redevelopment of the commercial structures contributes to the city's network of well-connected mixed use corridors

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 enable infill development at a location where services and infrastructure are already in place. The requested U-MS-5 zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore the rezoning is consistent with *Denver Comprehensive Plan 2040*

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

The proposed U-MX-5 rezone district would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods around transit corridors 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 Community Corridor place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

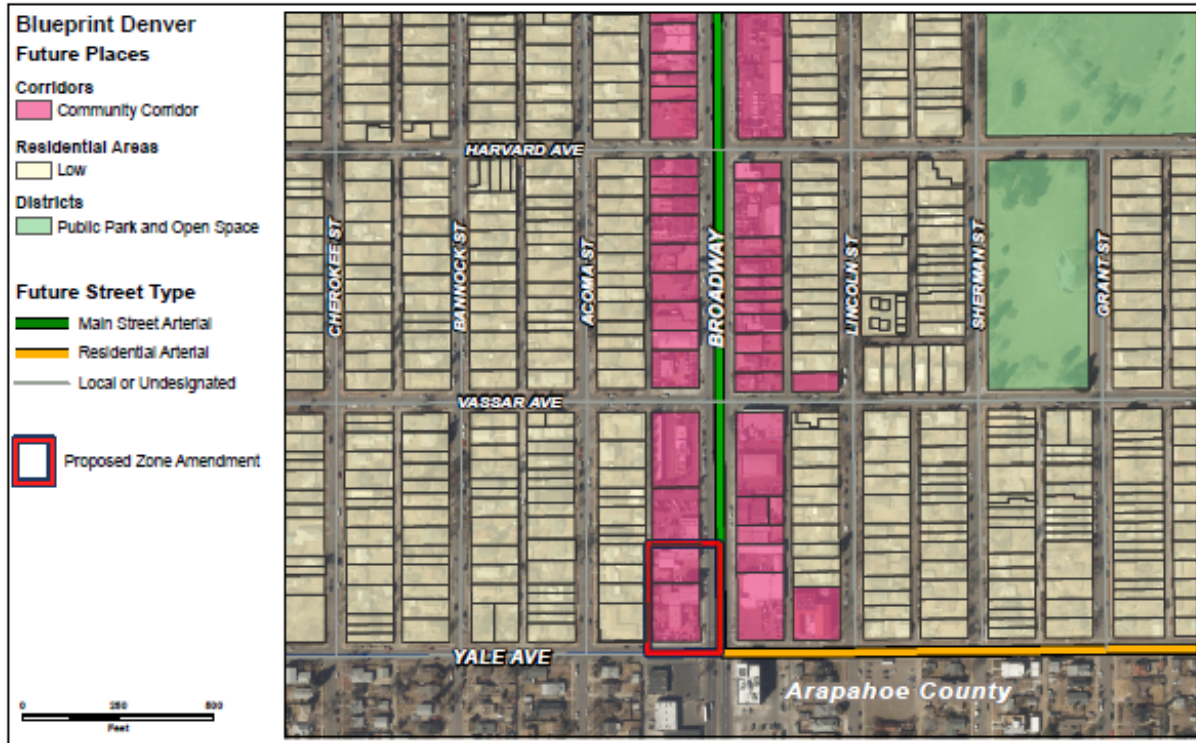
Blueprint Denver Future Neighborhood Context



Map Date: November 20, 2019

The subject property is within the Urban Context. These areas “are largely residential, with low- and mid-scale mixed-use areas along Community Corridors. Small, embedded local centers are also common because of the development of many urban neighborhoods during the street car era.” (p. 225). Community Corridors “typically provide some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city” (p. 227). The proposed U-MS-5 is within the Urban Neighborhood Context, which is “primarily single-unit and two-unit residential uses, small-scale multi-unit and commercial areas, both embedded and located along mixed use arterials and main streets” (Section 5.1.1, DZC). The proposed zone district allows a mix of residential and commercial land uses typical of this context. Therefore this request is consistent with the Blueprint Denver Future Neighborhood Context plan direction.

Blueprint Denver Future Places



Map Date: November 20, 2019

According to *Blueprint Denver*, Community Corridor areas provide a mix of office, commercial and residential uses with a wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. These areas have a distinctly linear orientation along the street and a typically higher lot coverage. Building heights are generally up to 5 stories (p. 228). These corridors are typically part of the transit priority street network and pedestrian priority are common. On these corridors main streets provide an expanded sidewalk and amenity zone that includes such items as trees and plantings, providing a buffer between pedestrians and traffic. The proposed U-MS-5 allows a mixture of land uses that are common to these types of corridors and allows the envisioned 5-story building height. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* Future Places plan direction.

Street Types

Blueprint Denver 2019 classifies South Broadway Street as a Main Street Arterial street, which is “characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian oriented with little front setback, a continuous street wall and high transparency. Street level uses are highly activated” (p. 159). Arterial streets “are designed for the highest amount of through movement” (p. 155) of traffic. Broadway Street is also a designated high capacity transit street which functions as part of the citywide network of prioritized transit. Yale Avenue is an Undesignated Local street “with the highest degree of property access”. The subject property is on a Main Street Arterial street. The proposed main street zone district is consistent with the *Blueprint Denver* street type plan direction.

Growth Strategy



Map Date: November 20, 2019

The subject property is part of an area designated “Community Centers and Corridors” future growth area in *Blueprint Denver*. These areas are projected to account for 20 percent of job growth and 25 percent of new households in the city by 2040. The proposed rezoning will provide both additional housing and commercial jobs, which is an appropriate change given these growth goals. Therefore this rezoning is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

Overland Neighborhood Plan (1993)

The Overland Neighborhood Plan was adopted by City Council in 1993, and the plan area includes the subject property. The plan describes the neighborhood as a mixture of industrial, commercial, park and residential land uses with industrial uses being the predominate land use, and parks and recreation the second most predominate land use. The Plan covers several broad topics, including Land Use and Zoning, and Economic Development. Plan recommendations include:

- Land Use and Zoning, LZ-2: *“Encourage commercial and industrial businesses to invest in beautification programs for their own business and also invest in neighborhood clean-up programs”* (P. 13).
- Economic Development, ED3: *“Encourage an integrated business signage program for the Broadway business corridor”* (p. 41).
- Economic Development, ED4: *“Support joint marketing efforts within the business community”* (p. 41).
- Economic Development, ED5: *“Secure funding for an Urban Design Corridor Study for the Broadway Business corridor”* (p. 41).

The proposed U-MS-5 zone district retains the existing zoning standards allowing a mixture of land uses and allows redevelopment of an auto-oriented commercial use to provide ground floor retail and four stories of residential units. The redevelopment represents an upgrade of the property and the Broadway commercial area. With the 2010-2013 completion of roadway and streetscape improvements in the Broadway corridor the Overland Plan recommendations encouraging investment in the commercial corridor and study of the urban design of the corridor have been realized and advanced to include the physical improvements to the corridor. The U-MS-5 zone district adds the ability to increase the mix of housing types in the area and to add some affordable housing units. The zone district allows the redevelopment of the property to further contribute to the reinvestment on the corridor. This enhances the existing neighborhood character by adding amenities, so residents can live, shop and work close to home. This is in conformance with the Overland Neighborhood Plan.

Housing an Inclusive Denver (2018)

Adopted in 2018, the Housing an Inclusive Denver plan was not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council and can be considered an “adopted plan” for this map amendment review criterion when relevant. A goal of the plan is to create affordable housing in vulnerable areas and in areas of opportunity that have strong amenities such as transit (p. 56).

The applicant is in the process of negotiating a development agreement and covenant with the Department of Housing Stability to include some affordable housing units in the redevelopment of the property. The negotiations are ongoing and have not yet concluded. The additional height in the U-MS-5 district will facilitate more housing units than could be achieved in the existing 3-story district, therefore furthering the housing plan’s goal of facilitating the development of additional affordable housing in a neighborhood where plans call for a mix of land uses and where there is abundant transit access.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city's adopted land use plans. The proposed rezoning could also increase the number of affordable housing units and the mix of housing types in an enhanced transit corridor.

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 applicant cites recent changes in the surrounding (U-TU-C) area including the replacement of single-unit homes with two-unit three story units representing an increase in density in the area. The applicant states the increased density can be seen on Broadway from Broadway and I-25 to Hampden and I-25, and in the City generally. And finally, the applicant cites revitalization along Broadway that has changed the character of the corridor from parking lots and auto-oriented commercial uses. Staff has identified permits for 61 new dwelling units within a 2-3 block area of the proposed rezoning since 2015, as well as increased site plan review activity in proximity to both the Broadway and Evans transit stations. These changes provide additional residential density within walking distance of the Broadway Community Corridor. In addition to these changes from 2010 to 2013 17 blocks of South Broadway between Arizona and Yale Avenues have been reconstructed widening the roadway, creating a raised center median, providing major streetscape improvements like new sidewalks, coordinated street furniture, bike racks, pedestrian lighting and landscaping of the entire corridor.

Additionally, the adoption of Blueprint Denver 2019 and the Housing an Inclusive Denver Plan in 2018 are two plans adopted since the 2010 zoning of the property. In the Blueprint Denver 2002 Plan the property had a recommended concept land use of Mixed Use in an Area of Change. As noted earlier in this staff report, *Blueprint Denver 2019* includes more explicit direction recommending a Community Corridor place type on a Main Street Arterial street and high capacity transit street with a recommended building height of up to 5 stories. And the Housing an Inclusive Denver Plan recommends creating affordable housing in areas of opportunity that have strong amenities such as transit. Therefore, the proposed map amendment is justified to recognize these changes.

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

The requested U-MS-5 district is within the Urban Neighborhood Context, which is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located along mixed-use arterials or on main streets. Buildings are generally low to mid-scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 5.1). The subject site is in an area that reflects these characteristics. Therefore, the proposed rezoning to U-MS-5 is consistent with the neighborhood context description.

The general purpose of the Urban main street districts is to “*promote safe, active and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge, and that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering.*” The building form standards “*are intended to promote an urban, mixed-use, built-to environment*” where “*buildings have a shallow front setback range and the build-to requirements are high and the maximum building coverage is significant*” (DZC 5.2.5.1). The proposed U-MS-5 district would allow for compatible infill development fitting with the character of the surrounding commercial corridor. Therefore, it is consistent with the Urban Main Street District purpose statements.

The specific intent of the U-MS-5 district is the district “*applies primarily to collector and arterial street corridors or may be embedded within a larger commercial shopping center or mixed use area, where a building scale of 1 to 5 stories is desired*” (DZC 5.2.5.2.D). The subject site is located on a mixed use arterial street and therefore, the proposed map amendment is consistent with the U-MS-5 intent.

Attachments

1. Application
2. Legal Description



Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	FLYWHEEL YALE LLC, a Co	Representative Name	Galloway, attn. Zell Cantrell
Address	2828 N. Speer Blvd., #220	Address	6162 S. Willow Drive, #320
City, State, Zip	Denver, CO 80211	City, State, Zip	Greenwood Village, CO 80111
Telephone	720-838-8990	Telephone	303-437-4948
Email	matt.godley@flywheelcap.com	Email	ZellCantrell@GallowayUS.com
<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>	
<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.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	2655-2671 and 2675-2689 S. Broadway		
Assessor's Parcel Numbers:	0527512020000, 0527512021000		
Area in Acres or Square Feet:	.7173		
Current Zone District(s):	U-MX-3, UO-1, UO-2		
PROPOSAL			
Proposed Zone District:	U-MS-5, OU-1, OU-2		



REZONING GUIDE

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> 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:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	



REZONING GUIDE

Rezoning Application Page 3 of 3

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Benjamin Hrouda	2655-2671 and 2675-2689 S. Broadway Denver, CO 80223	100%	<i>[Signature]</i>	08/16/19	B	Yes

September 10, 2019

Theresa Lucero, Senior City Planner
Community Planning and Development
City of Denver
201 West Colfax Ave., Dept. 205
Denver, Colorado 80202

**Re: 2655-2671 and 2675-2689 S. Broadway
Denver, Colorado
Lots 25-34, Block 8, Fisk's Broadway Addition
Application for Zone Map Amendment (Rezone))**

Dear Theresa,

The referenced properties total .7173 Acres and contain six single-story buildings totaling approximately 9,800 square feet. The existing buildings are primarily service/sales oriented automotive uses with access from multiple points along both S. Broadway and Yale. The properties are currently zoned U-MX-3 (Urban Neighborhood - Mixed Use - 3)/UO-1 (Adult Use Overlay)/UO-2 (Billboard Use Overlay). The zoning and development history of the properties is unknown.

Given the existing automotive uses and the changing commercial dynamic along S. Broadway and adjacent residential neighborhoods it is believed by our client there is a higher and better use for these properties. Our client is proposing to construct a multi-story mixed-use development that would include ground floor commercial with four stories of residential units above. Development would also include a below grade parking structure with grade level access from adjacent right-of-way to be determined

In August 2018 and again in July 2019 the design team met with City Staff to review the pre-application materials for a proposed Zone Map Amendment for the referenced properties. We discussed existing zoning, proposed redevelopment, and the most effective option for future zoning given the proposed uses described above. Based on these meetings, it is believed that Urban Neighborhood Main Street 5 (U-MS-5) would be the most appropriate designation for the success of this site in context with the surrounding neighborhood. This zoning designation would allow for the ground floor retail and four stories of residential as previously described. Existing overlay zoning designations of UO-1 and UO-2 would remain unchanged.

The site is primarily surrounded by commercially oriented zone districts to the North and East (U-MX-3) and a Mixed-Use Business Zone District (MU-B-2, Englewood) to the South. To the west, is a U-TU-C (Urban Neighborhood – Two Unit - C) Zone District which consists primarily of existing and new residential uses. Most existing residential to the west is single-story with much, if not all, of the new construction consisting of multi-story residences. Many of these new residences are three-story, two-unit configurations.

Consistency with Adopted Plans

The Overland Neighborhood Plan, adopted in April 1993, highlights many land use and zoning recommendations. These recommendations include but are not limited to encouraging commercial and industrial businesses to invest in beautification programs for their own business and also invest in neighborhood clean-up programs (LZ-2) and develop remaining vacant land in a manner that is compatible with the land use character and density of surrounding land uses and existing zoning (LZ-3). We believe our proposed Zone Map Amendment is consistent with these recommendations by allowing for a significant investment in existing commercial property resulting in beautification and infill of vacant land or parking areas deemed compatible with changing character and density along S. Broadway.

Blueprint Denver as a supplement to Comprehensive plan 2040, identifies the property as located within the Urban Neighborhood Context, Community Corridor along a Main Street Arterial (S. Broadway). Developments within community corridors along arterials typically provide a mix of office, commercial, and residential uses which are pedestrian oriented with limited driveways (access points) with high transparency. Street level uses tend to be highly activated with a corresponding level of transparency. Community Corridors typically allow building heights up to five stories. While building heights identified in Blueprint Denver are not intended to set exact maximums or minimums, but rather a general sense of scale. We believe the required step-back to the U-TU-C (Urban Neighborhood – Two Unit - C) Zone District to the east will provide the necessary transitional buffer between these different uses. Please note that the U-TU-C district allows up to three stories.

In addition to consistency with adopted plans noted above, the proposed Zone Map Amendment also allows for consistency with our neighbor across Yale Avenue to the South, The City of Englewood. The City of Englewood Comprehensive Plan, Englewood Forward dated December 2016, identifies the Cushing Pak Neighborhood as a mixed-use transition area that should focus on the following catalytic Activities.

- Enhance the Broadway corridor as a neighborhood edge and amenity by adding more resident serving retail and amenities.
- Change the orientation of buildings to line the streets with parking in rear.
- Encourage larger scale mixed use buildings with housing on the top
- Enhance alleys as a transition to the residential areas, spur economic development, and activate the block.

Uniformity of District Regulations

The proposed Zone Map Amendment to U-MS-5 will result in the uniform application of zone district building form, use and design regulations.

Public Health, Safety & General Welfare

Public welfare and general interest are key to the redevelopment of this site. In our efforts to compile an application for the Zone Map Amendment, we have had various meetings for community outreach. Our team reached out to the registered neighborhood associations and community leaders. This included discussions with the Denver Neighborhood Association, the Inter-Neighborhood Cooperation and the Overland Park Neighborhood Association.

Conversations were had discussing the proposed development and how it will affect their members and adjacent residents. Overall, the support from the community has been generally positive with an understanding that the existing facility needs to be redeveloped.

It should also be noted that the proposed Zone Lot Amendment and subsequently planned project will allow for the consolidation of properties into a single cohesive development. This consolidation will not only allow for the beautification of this gateway to the city, but also allow for the consolidation of vehicular access points to and from S. Broadway. Reduction in vehicular access points will positively impact pedestrian safety.

Additionally, our client has met with Councilman Jolon Clark to discuss the referenced property as well as the community needs along this corridor. He was able to provide background information on the area surrounding the site and offer suggestions regarding the potential redevelopment of this property.

Justifying Circumstances

Per Section 12.4.10.8.A.4. Since the date of 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) Change of changing conditions in a particular area, or in the city generally

The intersection of S. Broadway & Yale represents an area of change or transition beyond that contemplated by the original zoning designation of U-MX-3. As previously noted, redevelopment of residential properties (U-TU-C) to the west have primarily consisted of two-unit three-story residences. This represents an increased density and overall height which is consistent with changes in the immediate area as well as south Broadway from the Gates redevelopment at I-25 & Broadway all the way south to Hampden & I-25. This change in density is not only seen within the adjacent off-Broadway residential districts, but also directly along S. Broadway, as well as the City of Denver in general. Five-story mixed use projects such as the one proposed can be seen stretching from I-25 south to Hampden Avenue in the adjacent City of Englewood. Revitalization along S. Broadway has changed the context from an area previously characterized by parking lots and auto oriented single-story commercial uses transitioning into a vibrant neighborhood taking advantage of transit options and walkability. Both the surrounding commercial and residential areas desire a safer, more accessible streetscape with close proximity of both commercial and residential properties. The safety and wellbeing along S. Broadway call for updated properties that address the changing needs and/or uses of the area.

Proposed Official Map Amendment Consistency with Context

The proposed Zone Lot Amendment does not call for a change to the existing Urban (U) Neighborhood Context. General character, access and block patterns, as well as building placement will remain unchanged. While the change from Mixed Use(MX) to Main Street(MS) does allow for different nuances within the zoning code, both districts are intended to promote the following:

- Safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.

2655-2671 and 2675-2689 S. Broadway
Zone Map Amendment (Rezone)
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- Enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- Ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods

It should also be noted that with the Urban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area (which is the case along S. Broadway) to promote a pedestrian-active street front within a larger mixed use or commercial development

As noted above, the redevelopment of the existing property will be an asset to the community surrounding the intersection of S. Broadway & Yale as well as enhance this south entry point or transition from the City of Englewood to the City of Denver. Limited traffic impact enhanced visual interest or beautification, safety and long-term sustainability are just a few of the advantages. The owner's willingness to invest capital resources into a project of this size shows interest in the overall community's future. Given the state of the existing property combined with future gains by the community associated with redevelopment there is clearly justification for rezoning which will allow for a higher density mixed use project.

To bring the further redevelopment to the neighborhood, and to provide the surrounding community with needed retail and residential options, we respectfully request your consideration of our request for a Zone Map Amendment for the referenced properties. Thank you in advance for your consideration. Should you have any questions or require additional information please do not hesitate to contact us as noted below.

Sincerely,
Galloway & Company, Inc.



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PARCEL 1 (APN 0527512021000):

Lots 31 to 34, inclusive, Block 8,

FISKS BROADWAY ADDITION,

City and County of Denver,

State of Colorado

PARCEL 2 (APN 052751202000):

Lots 25 to 30, inclusive, Block 8,

FISKS BROADWAY ADDITION,

City and County of Denver,

State of Colorado