



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

TO: Denver Planning Board
FROM: Brandon Shaver, Senior City Planner
DATE: December 23, 2020
RE: Official Zoning Map Amendment Application #2020I-00078
1501 S. Acoma St.
Rezoning from I-A, UO-2 to I-MX-5, UO-2

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00078.

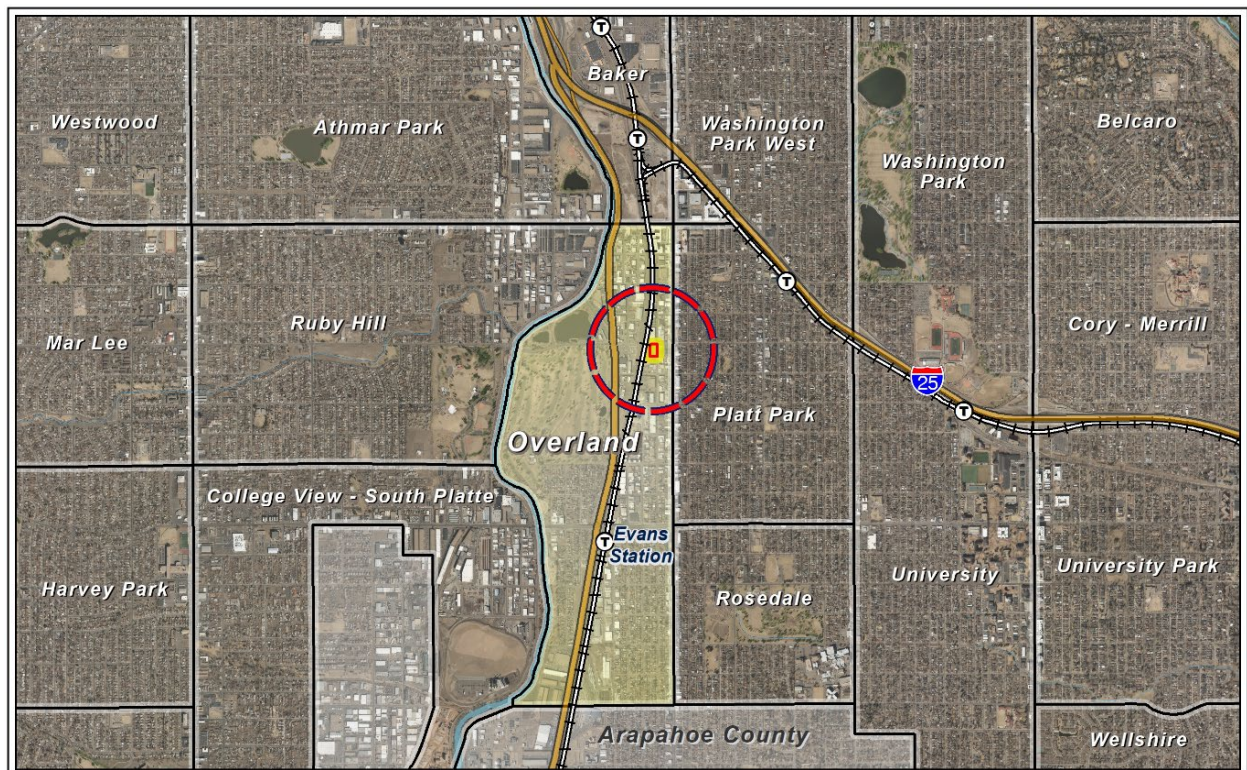
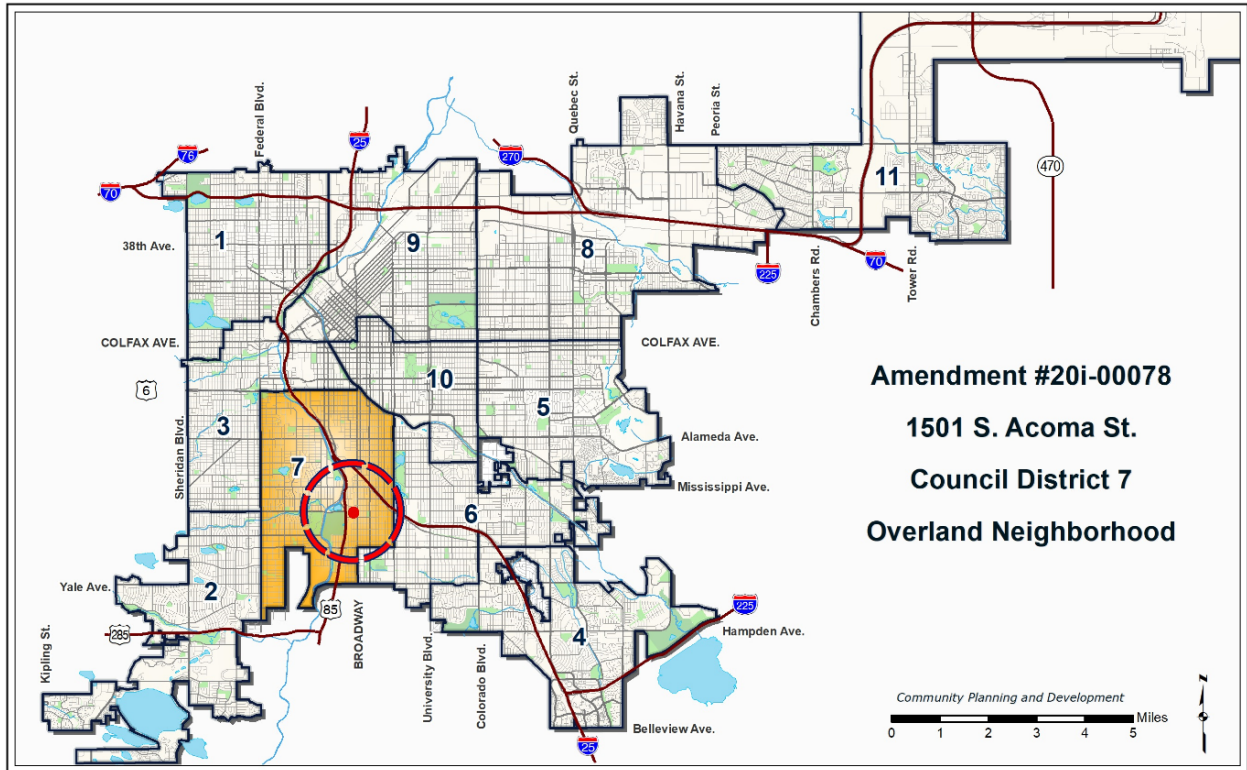
Request for Rezoning

Address: 1501 S. Acoma St.
Neighborhood/Council District: Overland / Council District 7
RNOs: Inter-Neighborhood Cooperation (INC), Overland Park
Neighborhood Association (OPNA)
Area of Property: 29,680 square feet or 0.68 acres
Current Zoning: I-A, UO-2
Proposed Zoning: I-MX-5, UO-2
Property Owner(s): 1501 S Acoma Property Owner LLC
Owner Representative: Cory Rutz

Summary of Rezoning Request

- The property is in the Overland statistical neighborhood at the southwest corner of West Florida Avenue and South Acoma Street.
- The property, owned by 1501 S Acoma Property Owner LLC, is currently occupied by an industrial storage lot.
- The applicant is requesting this rezoning to enable mixed-use redevelopment.
- The proposed zone district, I-MX-5, UO-2, can be summarized as follows (see map below illustrating proposed zone districts):
 - The I-MX-5 zone district stands for **I**ndustrial, **M**ixed Use, with a maximum height of **5** stories. The I-MX zone district is a mixed-use zone district that allows a wide range of light industrial, residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The I-MX-5 zone district allows up to 5 stories and 70 feet in building height. Further details of the zone district can be found in Division 9.1 of the Denver Zoning Code (DZC).
 - The applicant's request includes maintaining the Billboard Use Overlay, UO-2, on the property. There are no billboards currently on the subject property and no future billboards are contemplated in connection with this rezoning. Further details of the Billboard Use Overlay can be found in Section 9.4.4 of the Denver Zoning Code (DZC).

Existing Context



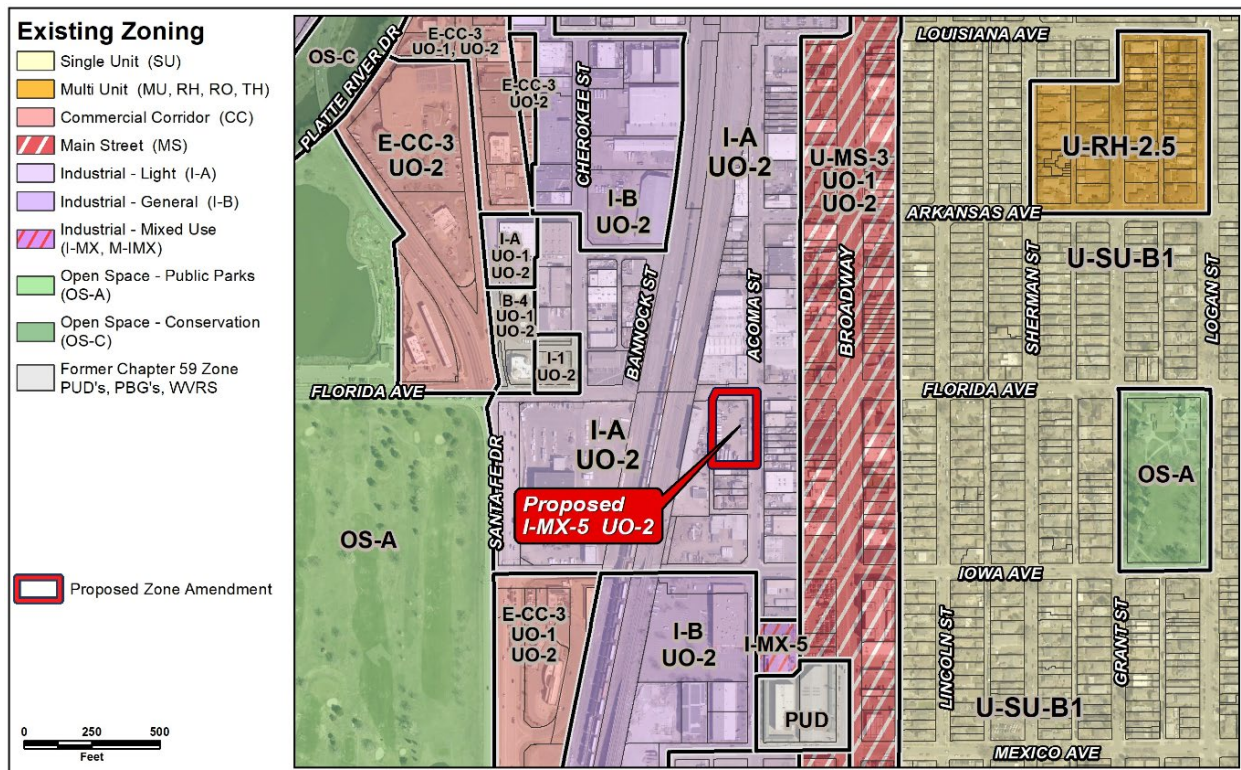


The subject property is located within the Overland neighborhood, at the southwest corner of West Florida Avenue and South Acoma Street. Significant public and private reinvestment along South Broadway (one block east of the subject property) in recent years suggest this area is continuing to transition from mostly industrial to more mixed-use in nature. The subject site has approximately 235 feet of frontage along South Acoma Street and has a lot depth of approximately 125 feet. Union Pacific, Burlington Northern Santa Fe and RTD rail lines are located approximately 200 feet west of the subject site. The subject property has indirect access to the west side of the railroad tracks at West Iowa Avenue and is served by RTD's frequent bus routes 0 and 0L along South Broadway.

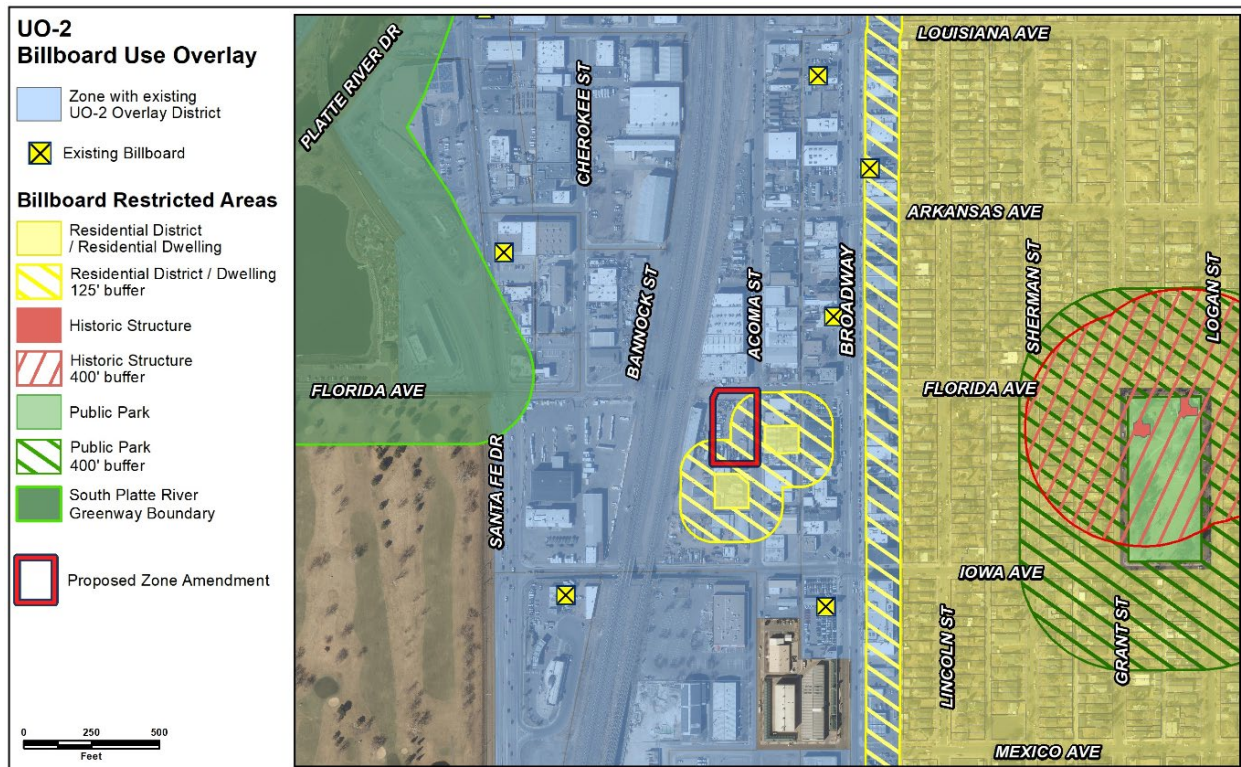
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A, UO-2	Industrial	Fenced, unpaved surface lot	The area is served by the Denver cardinal street grid and block pattern is regular except for the railroad tracks running southwest/northeast. Major street connections are provided to South Broadway and South Santa Fe Drive.
North	I-A, UO-2	Industrial & Mixed-use	2-story industrial building used for self-storage with a 1-story residential structure and a 2-story industrial building with continuous street wall along east side of South Acoma Street	
South	I-A, UO-2	Mixed-use & Single-unit Residential	2-story mixed-use building and three single-unit residences	
East	I-A, UO-2	Industrial & Single-unit Residential	Two 1-story brick structures used for offices and four 2-story single-unit residences	
West	I-A, UO-2	Industrial	Fenced, unpaved surface lot along alley with a 1-story industrial structure	

1. Existing Zoning

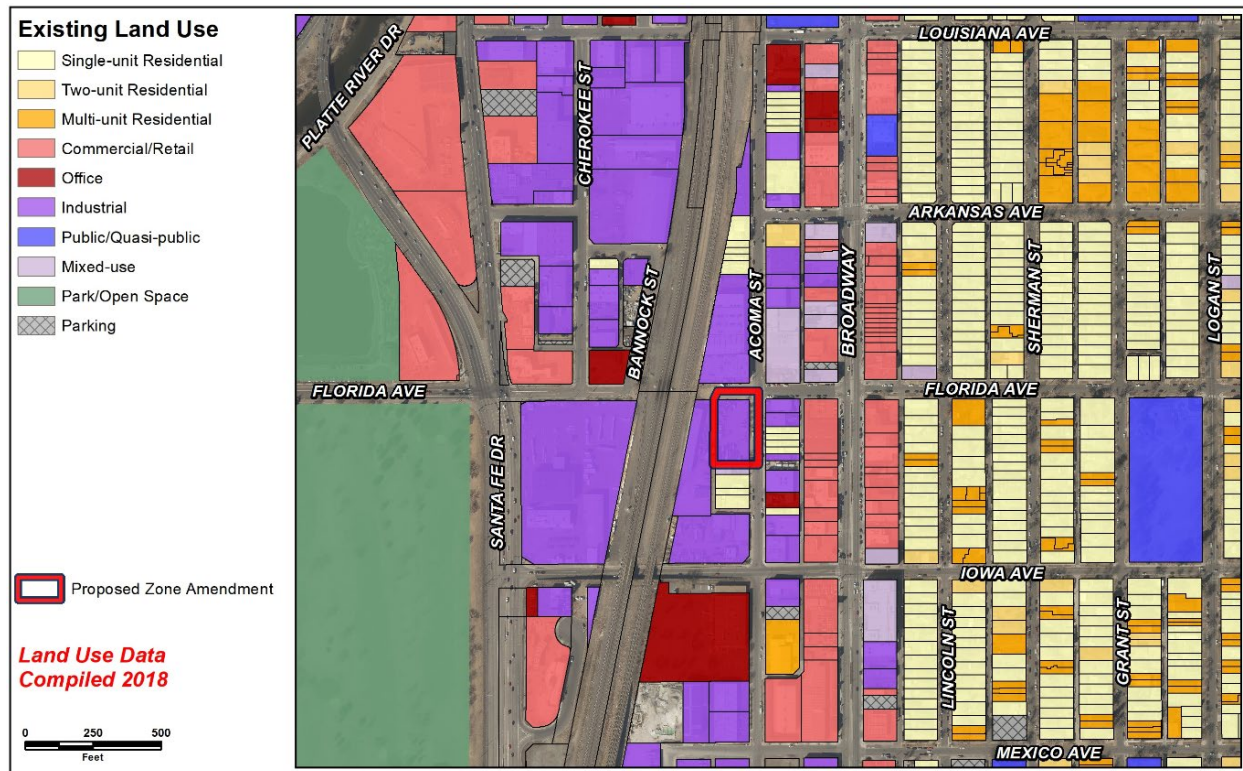


The existing zoning on the subject property is I-A, UO-2 which is a light industrial district that allows office, business and light industrial uses with the billboard use overlay. Residential uses are only permitted in the light industrial zone where a residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial primary building forms and regulates building mass through a maximum floor area ratio (FAR) of 2:1. This zone district does not specify a maximum building height except for sites within 175 feet of a protected district, in which case the maximum building height is 75 feet. The subject property is not within 175 feet of a protected zone district. Building forms in the I-A district do not include a build-to requirement, transparency requirement, or street-level activation standards and surface parking is permitted between the building and primary and side streets.



As previously stated, the Billboard Use Overlay District (UO-2) is also applied to the site. The UO-2 allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. There are no billboards located on the subject property, but the use overlay is proposed to be retained with the requested zoning. Additional standards and limitations regarding minimum separation and distance requirements can be found in Section 10.10.20 of the Denver Zoning Code. The map above shows existing billboards in the area and some of the restrictions associated with them.

2. Existing Land Use Map



The existing land use on the subject property and many surrounding properties is industrial with some mixed-use interspersed. Single-unit residential uses, mostly constructed in the late 1890s, are also in existence along South Acoma Street from West Louisiana Avenue to West Iowa Avenue. Commercial/retail, mixed-use and office uses are focused along South Broadway.

3. Existing Building Form and Scale



Site - Aerial view, looking west (Source: Google Maps)



Site - from South Acoma Street (Source: Google Maps)



Site – from West Florida Avenue (Source: Google Maps)



North – from South Acoma Street (Source: Google Maps)



East – from South Acoma Street (Source: Google Maps)



South – from South Acoma Street (Source: Google Maps)



West – from West Florida Avenue (Source: Google Maps)

Proposed Zoning

I-MX-5 Zone District

The requested I-MX-5 zone district has a maximum height of 5 stories or 70 feet with allowable encroachments. A variety of residential, commercial and industrial uses are allowed, with limitations. Under the general building form, the requested district does not allow surface parking between the building and primary street, where the zone lot line is located within 65 feet of the building façade. The For additional details regarding building form standards in the I-MX-5 zone district, see DZC Section 9.1.3.

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

Design Standards	I-A, UO-2 (Existing)	I-MX-5 (Proposed)
Primary Building Forms Allowed	General, Industrial	Town House; General; Industrial
Height in Stories / Feet (max)	N/A, except max height of 75' within 175' of a protected district	5 stories/70'
Primary Street Build-To Percentages (min)	N/A	50%*
Primary Street Build-To Ranges	N/A	10' to 15'- Town House 0' to 10' – General
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	20'	10' – Town House 0' – General 0' – Industrial
Floor Area Ratio (Max)	2:1 FAR	N/A

*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 – See comments below
 Redevelopment of this property may encounter adverse environmental conditions, including, but limited to, underground petroleum storage tanks and historic urban landfill material.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – Legal description accepted

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response

Development Services – Project Coordination: Approved – No comments on rezoning

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:	10/11/20
Applicant submitted revised application:	11/25/20
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:	12/22/20
Planning Board Public Hearing:	1/6/21
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):	12/28/20
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	1/12/21
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):	2/8/21
City Council Public Hearing (tentative):	3/1/21

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 comment pertaining to this application.

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)*

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, while also enabling additional housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*
- 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).*

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed I-MX-5, UO-2 zoning designation would allow for a broader variety of uses including housing, retail, and services and 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 D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

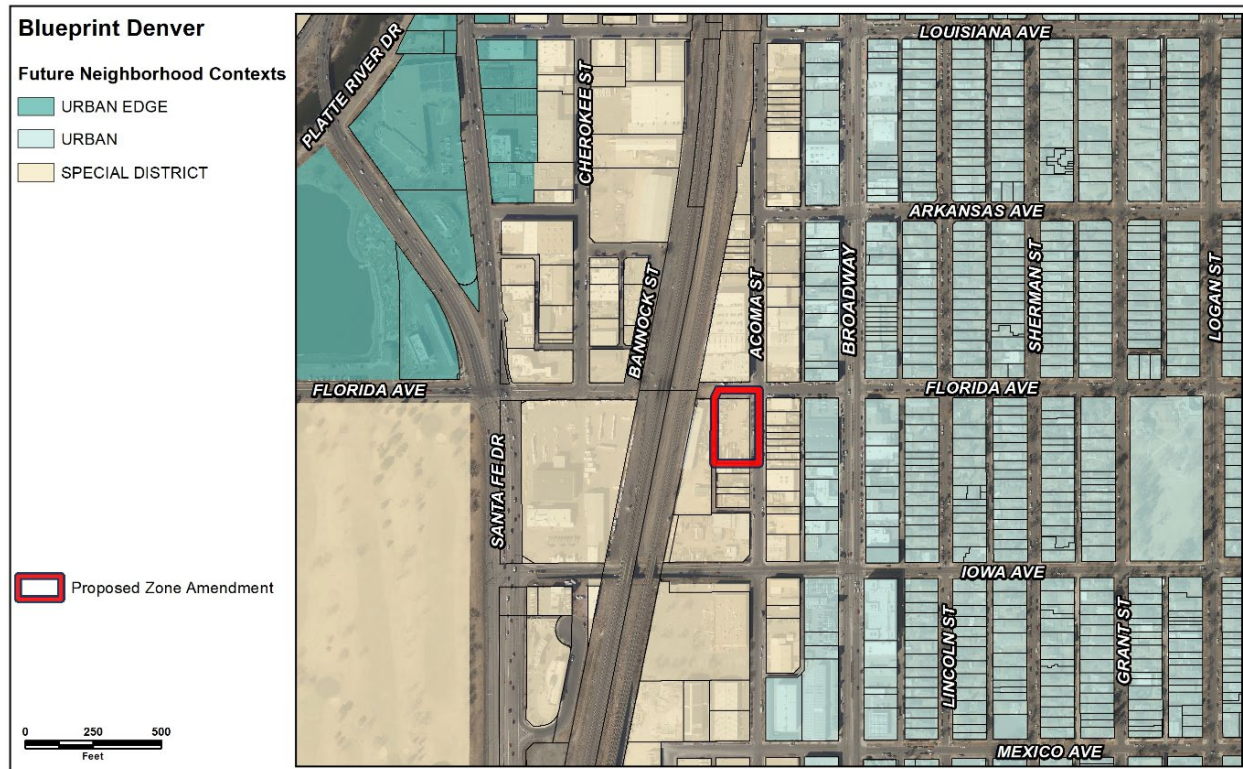
- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).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

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested zone districts broaden the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

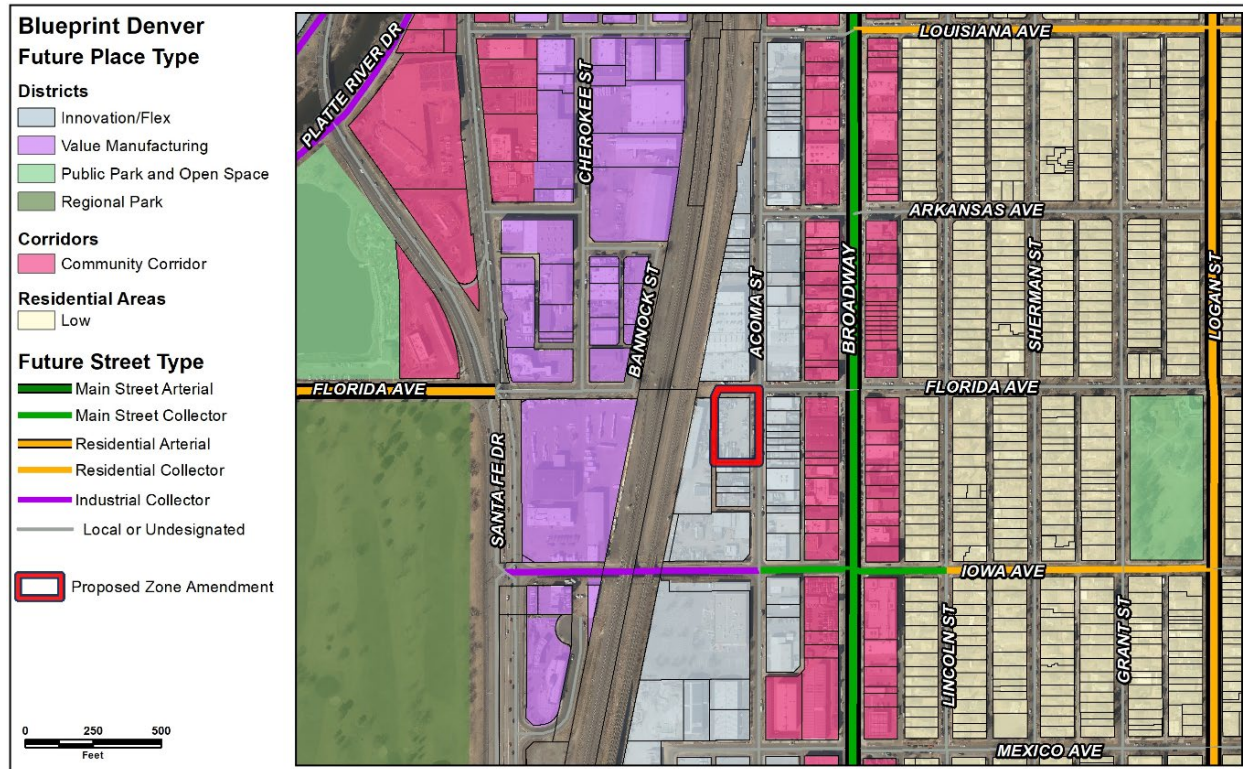
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of an Innovation-Flex future place within the District Context and 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 land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the District Context. Blueprint states, "Districts are areas with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas. Residential uses are largely limited to the campus and innovation/flex districts" (p. 280). The proposed I-MX-5 base zone district is appropriate for the District context and is "intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street realm" and "the Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods." (DZC 9.1.2.1). Since the proposed I-MX-5, UO-2 zone district allows for a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to I-MX-5 is consistent with the District context designation.

Blueprint Denver Future Places



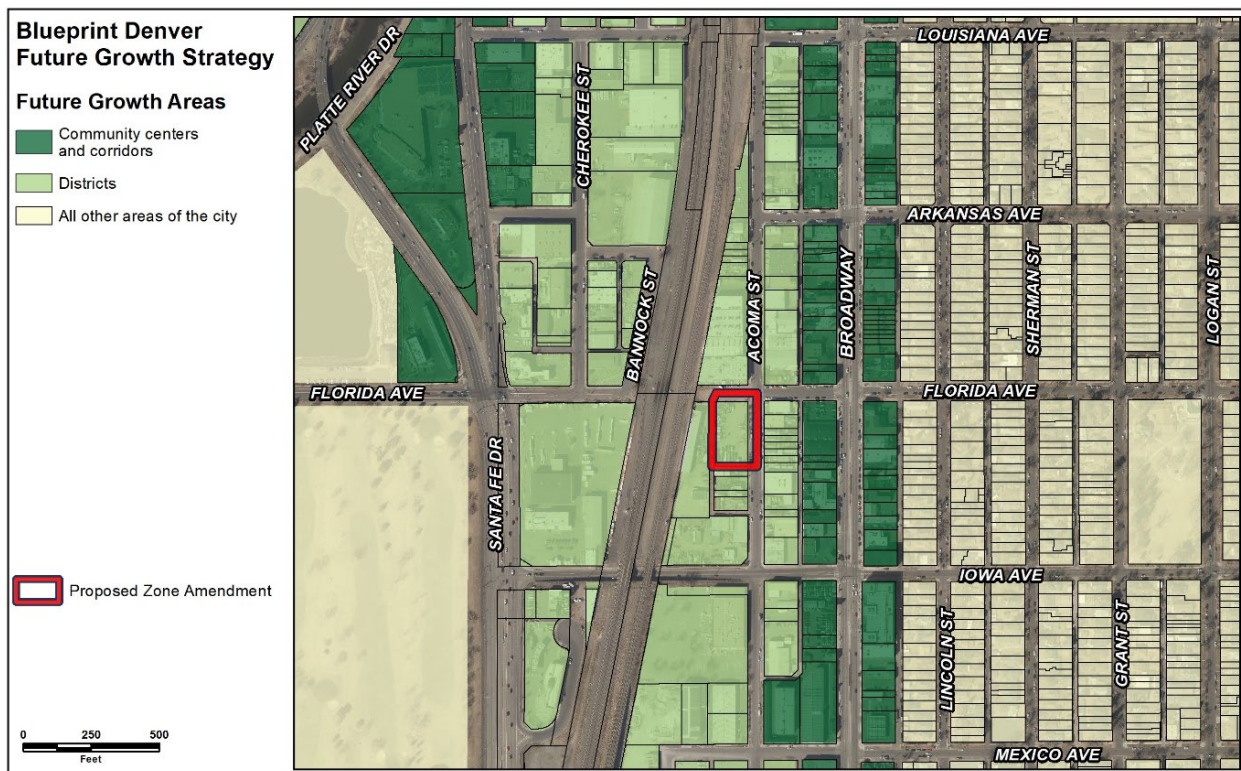
Blueprint Denver describes the Innovation/Flex district in the District context as “an ideal location for businesses that need to mix research/design, manufacturing and logistics with an area that has more urban amenities, a greater mix of uses and strong transit connections” (p. 284). Additionally, “multi-unit residential is compatible” in Innovation/Flex areas, which are characterized by a “reduced intensity of use and the desire to create more vibrant urban places” (p. 284). As mentioned in the Land Use & Built Form: Economics Policy 1 Strategy A, “residential uses are appropriate in innovation/flex districts” (p. 91). Strategy D continues, “Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts” (p. 91).

The proposed I-MX-5, UO-2 zone district allows for a variety of industrial, commercial and residential uses in a pedestrian-oriented pattern with an active street level. *Blueprint Denver* notes that in Innovation/Flex areas, “building scale varies greatly, and can be dependent upon the surrounding context and character” (p. 285). The surrounding buildings are currently lower than the five-story maximum height allowed under I-MX-5, but the current entitlement for these buildings potentially allows buildings much taller in the areas zoned I-A surrounding the subject property. Buildings in the I-A zone district are limited by a maximum floor area ratio of 2.0, rather than a maximum height, except when located in proximity to a protected district. Therefore I-MX-5, UO-2 is appropriate for an Innovation/Flex location.

Street Types

Blueprint Denver classifies West Florida Avenue and South Acoma Street as local or undesignated streets. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160). One block to the east, Broadway is designated as a main street arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Just one block to the south, West Iowa Avenue is an industrial collector. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). The land use and built form characteristics of Industrial streets are described as “manufacturing but may contain other uses. Buildings are generally low-rise and may be setback to accommodate site specific needs” (p. 160). The proposed I-MX-5, UO-2 zone district is intended for industrial-dominated areas served primarily by collector streets (DZC Section 9.1.2.1.A.3). As West Iowa Avenue is a collector street and considering that two local streets convey traffic to an even higher intensity street (Broadway), the requested zone district is appropriate considering the surrounding street type designations.

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 districts area. Citywide, districts are anticipated to see around 5% of new housing growth and 15% of new employment growth

by 2040 (p. 51). *Blueprint* notes that “Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver’s future housing stock” (p.49). The proposed map amendment to I-MX-5, UO-2 will allow mixed-use growth in an Innovation/Flex district, which is an intended location for this kind of growth and helps to support the future employment and housing growth anticipated by *Blueprint Denver*. Therefore, this proposed rezoning is consistent with the growth strategy.

Additional Applicable Strategies

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

- Land Use and Built Form – General Policy 1 – *Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets* (p. 72).
- Land Use and Built Form – Economics Policy 3, Strategy D – *Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts* (p. 91).

Overland Neighborhood Plan (1993)

This neighborhood plan was adopted by City Council in 1993 and applies to the subject property. The plan identifies that commercial and industrial businesses have been grouped into corridors. The plan further outlines concerns around providing adequate transition from industrial uses to residential communities. This site is adjacent to residential uses, but it is in an area that transitions from industrial to commercial. The most specifically applicable recommendation in this plan is Action Recommendation LZ-2, which recommends that commercial and industrial businesses invest in their sites, including beautification and clean-up (p. 13). Reinvestment in the site will be enabled by this rezoning. Based on the foregoing, the proposed rezoning is consistent with the Overland Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-MX-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 through implementation of the city’s adopted land use plan. The proposed rezoning would also facilitate increased housing density near services and amenities along Broadway and foster the creation of a walkable, urban area within walking distance to high-capacity transit. An increase in density and broadened mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

4. Justifying Circumstances

The application identifies several changed or changing conditions and a change in plan direction 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 change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan; or, (c.) that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning”*.

Recent physical changes within proximity to the subject site include new streetscaping improvements along South Broadway that prioritize pedestrians and increase safety along the corridor. Other changes include the opening of new multi-unit residential projects at South Broadway and West Arizona Avenue and at South Bannock Street and West Colorado Avenue, adjacent to the railroad tracks. Lastly, increasing private investments along South Broadway in recent years justify this rezoning request to recognize the changing conditions.

A change to a City adopted plan, Blueprint Denver, also justifies this rezoning. When Blueprint was adopted in 2019, the subject property was mapped as a value manufacturing area in a district context. This future place does not integrate well with residential uses and the requested zone district, I-MX-5, was not consistent with the plan direction. Through the Blueprint Denver annual update process in 2020, this area of the city was remapped to an innovation/flex future place which supports residential uses and therefore, further justifies this rezoning.

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

Both the I-A and I-MX-5 zone districts fall within the industrial context description set forth in the Code, meaning that the approval of the rezoning will not impact the consistency with the applicable neighborhood context description. It is important to note, in any event, that the industrial context specifically contemplates and includes “areas subject to transitions from industrial to mixed use,” which, as noted above, describes the mixed-use nature of the area in the vicinity of the subject property.

The general purpose of the industrial mixed-use districts, which includes I-MX-5, is to “accommodate a variety of industrial, commercial, civic, and residential uses” and to “provide a transition between mixed-use areas and I-A or I-B Industrial Districts.” (DZC Section 9.1.2.1.A.1.B.–C). The I-MX-5 district zoning will allow the subject property to serve both purposes. As noted above, the mixed-use zoning allows for a smoother transition and visual buffer between the heavier industrial properties to the west and the evolving mixed-use areas along South Broadway to the east. The third purpose statement for the industrial mixed-use districts encourages development in a “pedestrian-oriented pattern, with buildings built up to the street and an active street level.” (DZC Section 9.1.2.1.A.1.a).

The I-MX-5 purpose statement provides that the district is appropriate for “industrially dominated areas served primarily by collector streets.” (DZC Section 9.1.2.1.A.3). As discussed above in conjunction with adopted plans, this Property is near frequent bus service along South Broadway. Although the Property is located on South Acoma Street, which is a local street, it is also served by two more intense streets (as designated by Blueprint): (1) West Iowa Avenue is an industrial collector to the south of the Property;

and (2) South Broadway is a main street arterial. As such, the Property may best be considered as served primarily by collector and local streets with important access points to arterial streets, which is consistent with the stated purpose and intent of the I-MX-5 district.

There is no specific intent statement for the UO-2 zone district, but DZC Section 9.4.4.1 states the following general purpose for Use Overlay districts: "Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying zone districts and portions of zone districts. The purpose of the Adult Use and Billboard Use overlay zone districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010." This site currently has the UO-2 use overlay, which maintained the status quo regarding billboard uses. By retaining the UO-2 in this rezoning, the site would continue to maintain the status quo regarding billboard uses and therefore it is consistent with the general purpose of the DZC use overlays.

Attachments

1. Rezoning application