



**DENVER**  
THE MILE HIGH CITY

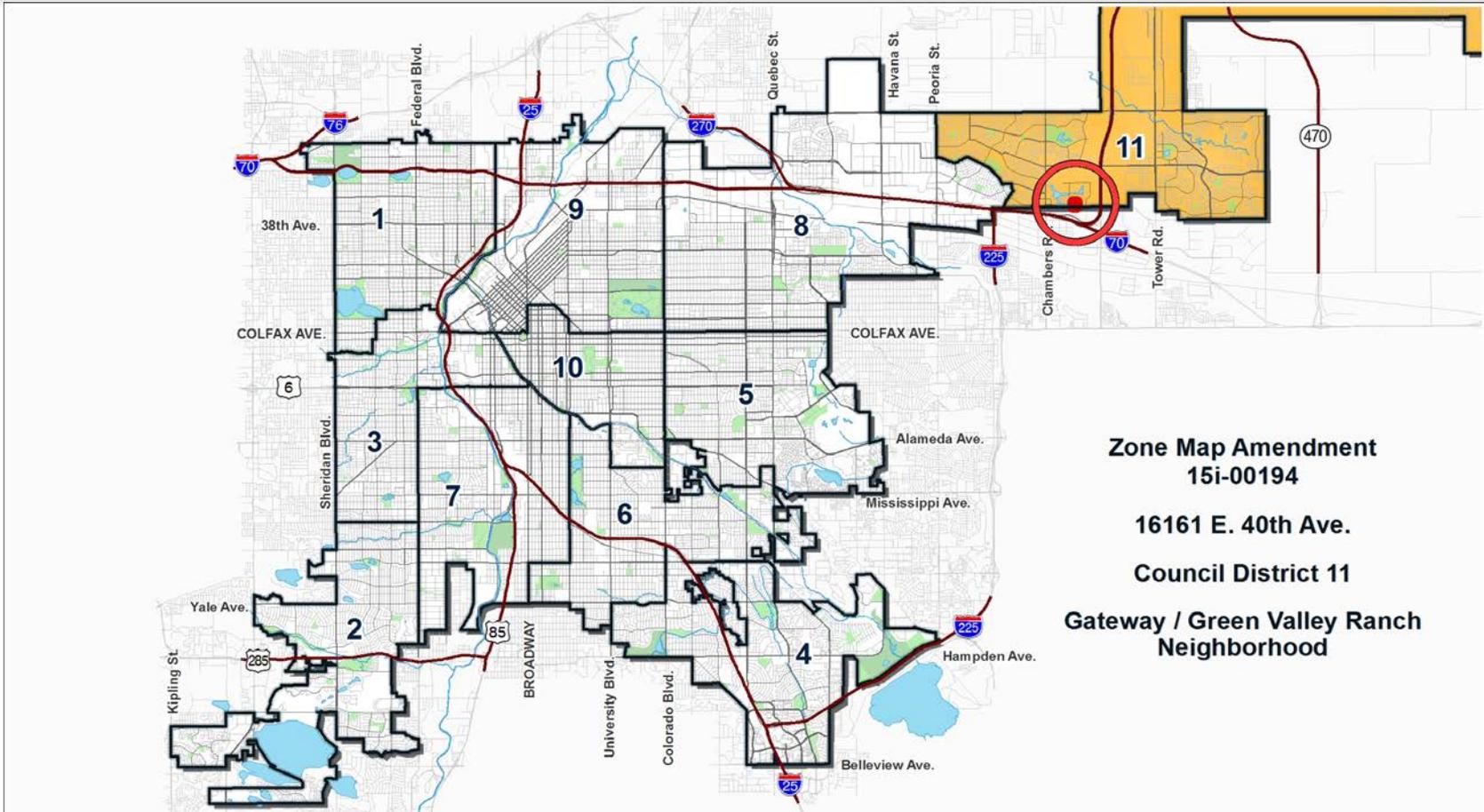
# **16161 East 40<sup>th</sup> Avenue**

From Gateway Waivers and Conditions  
To S-MX-8

FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**

City Council  
August 8, 2016

# Location Gateway W/C to S-MX-8



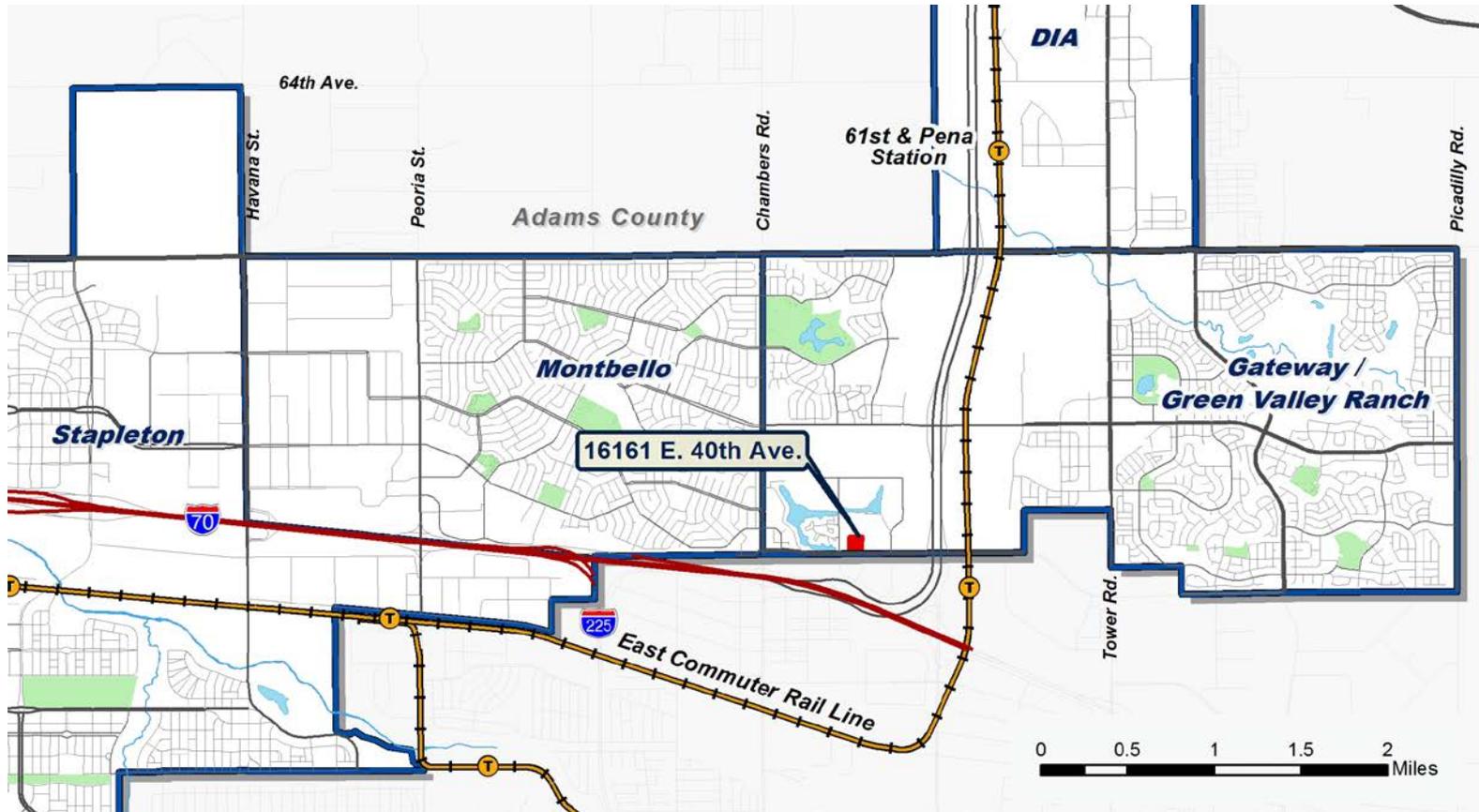
**Zone Map Amendment  
15i-00194**

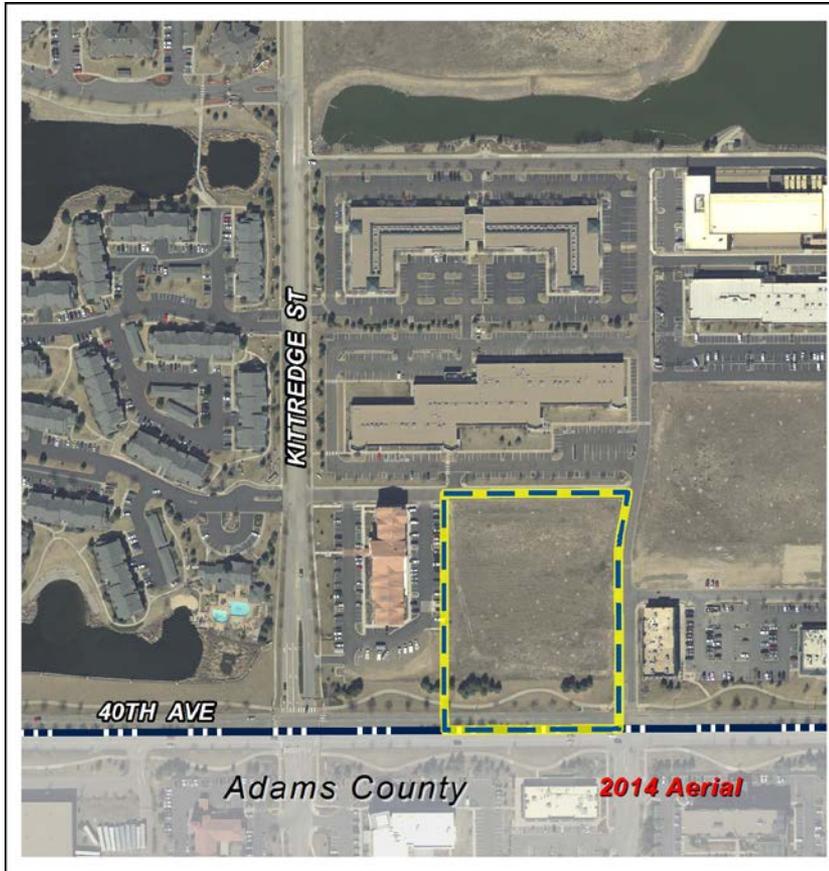
**16161 E. 40th Ave.**

**Council District 11**

**Gateway / Green Valley Ranch  
Neighborhood**

# Gateway/Green Valley Ranch Statistical Neighborhood





- Located near the intersection of E 40<sup>th</sup> Ave and N Kittredge Street
- Adams County to the south
- Located 1,000 feet from the Gateway Park Station on the East Corridor



- Property:
  - One parcel; 4 acres
  - Vacant site (permitted for hotel)
- Property Owner:
  - Requesting rezoning to bring approved SDP into compliance with zoning standards to allow construction
- Rezone from Gateway W/C to S-MX-8

# Request: S-MX-8

## Suburban Neighborhood Context – Mixed Use– 8 stories max. ht.

Article 7. Urban Center Neighborhood Context  
Division 7.2 Districts

7.2.2.2 Specific Districts

A. Mixed-Use  
C-1  
bu

B. Medium-Density  
G

C.

D.

SEC  
7.2.

Article 9. Suburban Neighborhood Context  
Division 3.1 Neighborhood Context Description

### DIVISION 3.1 NEIGHBORHOOD CONTEXT DESCRIPTION



**SECTION 3.1.1 GENERAL CHARACTER**  
The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of Suburban House forms with street-facing garages. Multi-unit building forms are typically separated from single-unit residential and consist of clustered Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Single-unit residential uses are primarily located away from residential and commercial arterial streets. Single-unit residential and commercial uses are primarily located along arterial and collector streets. Multi-unit residential uses are primarily located along arterial and collector streets.

**SECTION 3.1.2 STREET AND BLOCK PATTERNS**  
The Suburban Neighborhood Context consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys. Block shapes and sizes vary. The typical block pattern includes attached sidewalks (though sidewalks may be detached or non-existent), street and surface parking, and generous landscaping between the street and buildings.

**SECTION 3.1.3 BUILDING PLACEMENT AND LOCATION**  
Single-unit residential buildings typically have consistent, deep front setbacks and varying side setbacks and building orientation. Multi-unit residential buildings typically have deep front setbacks and wide side setbacks. Commercial buildings may have varying orientation and typically have deep front and side setbacks to accommodate landscaping and parking.

**SECTION 3.1.4 BUILDING HEIGHT**  
The Suburban Neighborhood Context is characterized by low scale buildings except for some mid- and high-rise multi-unit residential and commercial structures, particularly along arterial streets.

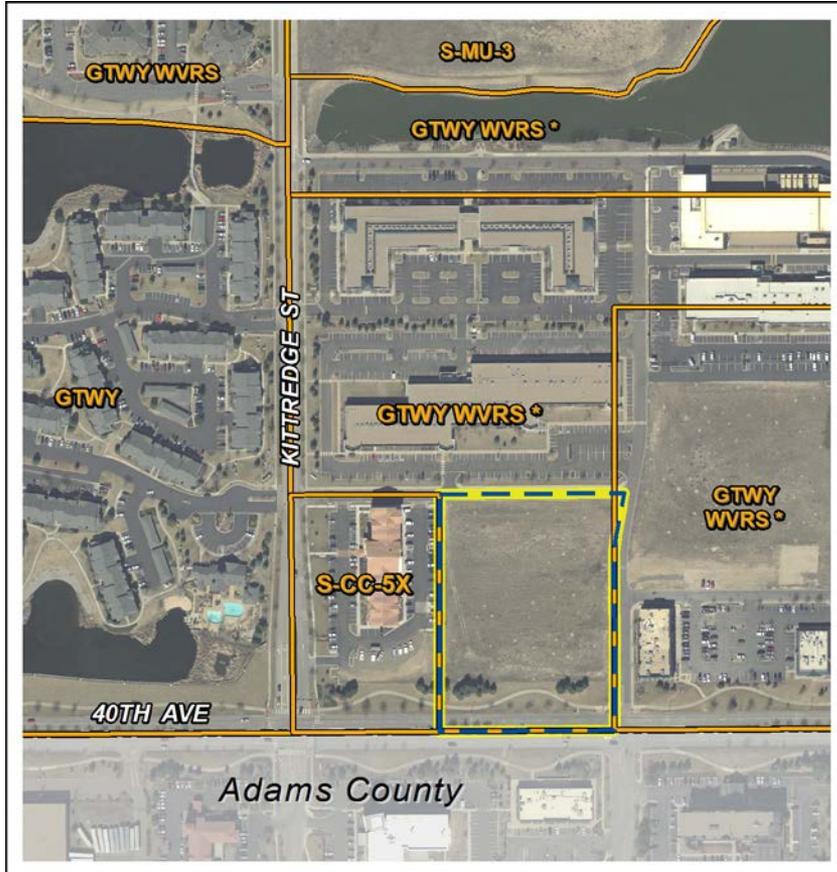
**SECTION 3.1.5 MOBILITY**  
The Suburban Neighborhood Context has a higher reliance on the automobile with some access to pedestrian and bicycle facilities and the multi-modal transportation system.

DENVER ZONING CODE  
June 25, 2010 | Republished July 6, 2015

| 3.1-1

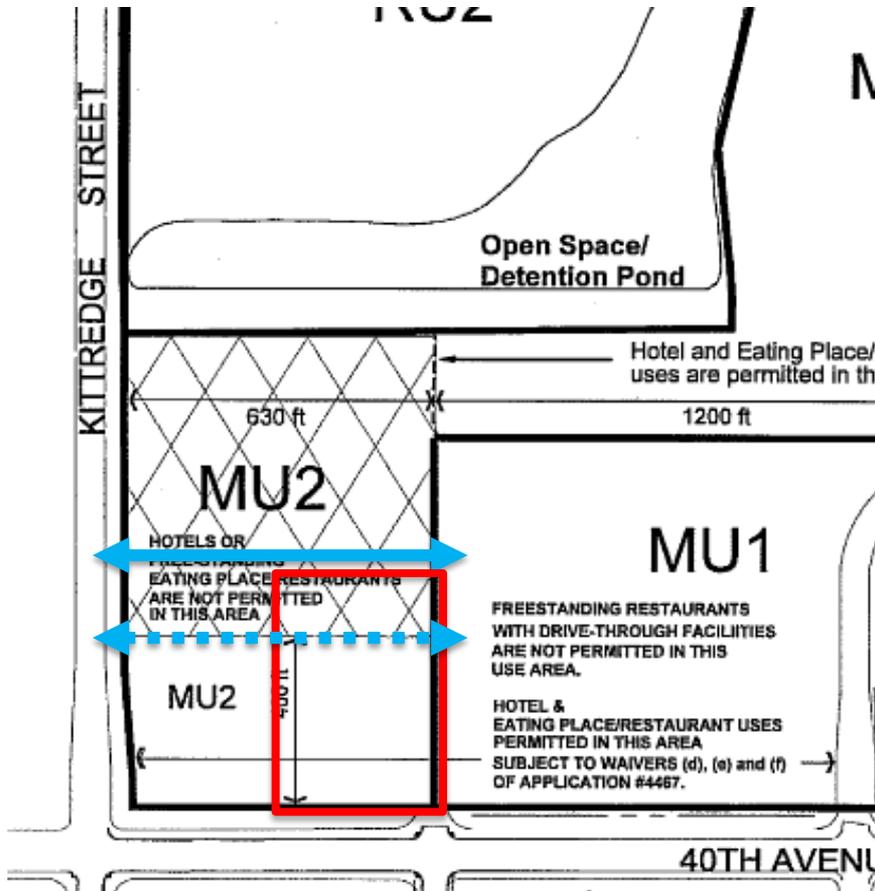


- Zoning
- General Development Plan
- Land Use
- Building Form/Scale



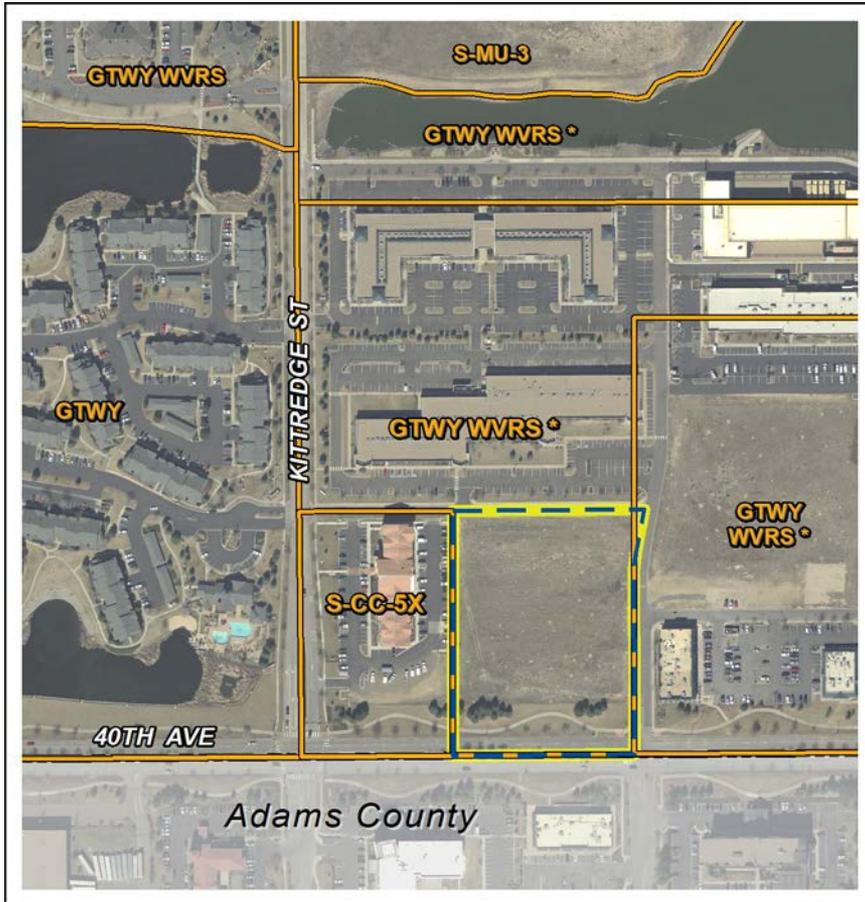
- Current Zoning:
  - Gateway with Waivers and Conditions
    - Located in Mixed Use 2 Use Area (MU2)
    - Max FAR of 0.6 with bonuses to 1.2
    - Max height of 75 feet with planned height increases to the east

# Existing Context – Zoning



- Issues with Current Zoning
  1. Hotel constructed in area where hotels are not permitted
  2. Hotel and permitted restaurant do not comply with setbacks
  3. Hotel and permitted restaurant do not comply with location of surface parking
- Issues also occurred at site to the west

# Existing Context – Zoning



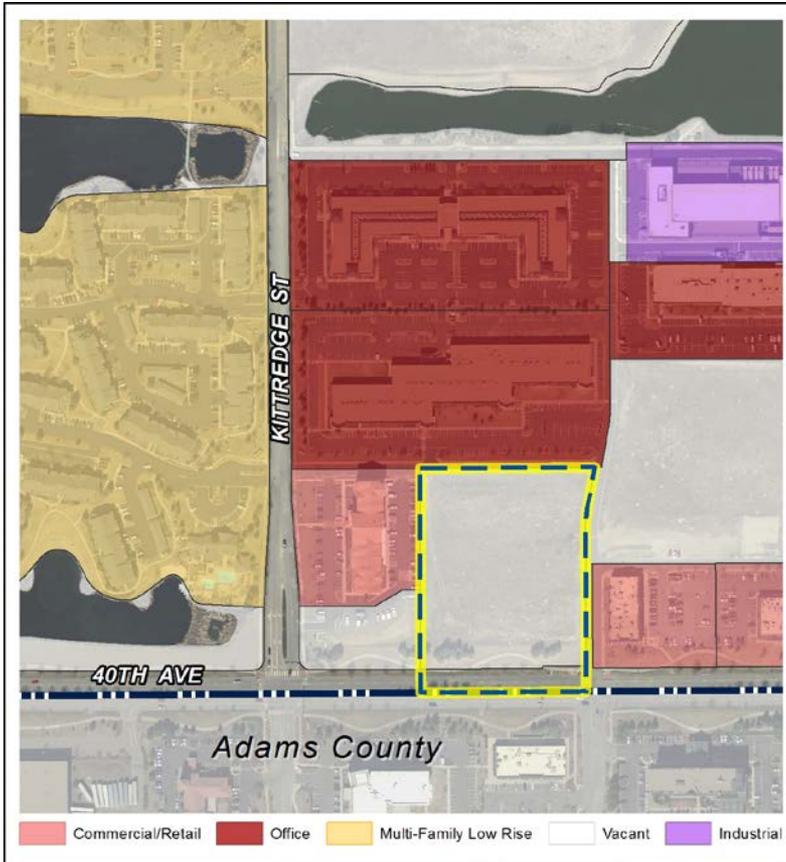
- Gateway W/C as part of the same ordinance to the north
- Gateway to the east
- S-CC-5x to the west approved in May 2016
- Adams County to the south

## Gateway Park IV West Kittredge East GDP



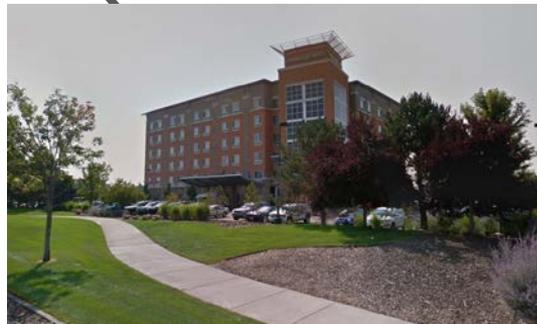
- 96 acre site
- Includes use areas, vehicular access points, pedestrian circulation, location of roads, and residential densities
- GDP no longer serves a purpose for site; will be removed from applicability

# Existing Context – Land Use



- Site is vacant, permitted for hotel construction
- Large office sites to the north
- Multi-family residential to the west
- Commercial to the south in Adams County

# Existing Context – Building Form/Scale



- Registered Neighborhood Organizations notified of this Process
  1. Denver Neighborhood Association, Inc.
  2. Far Northeast Neighbors
  3. Inter-Neighborhood Cooperation
  4. Montbello 20/20
  5. Northern Corridor Coalition
- No public comment received

- Notice of Receipt of Application: **March 17**
- Notice of Planning Board Public Hearing: **May 3**
  - Registered Neighborhood Organizations
  - Notification signs posted on property
- Planning Board recommended approval on consent: **May 18**
- Neighborhoods and Planning Committee moved the bill forward: **June 22**
- City Council: **August 8**

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- Comprehensive Plan 2000
- Blueprint Denver: A Land Use and Transportation Plan
- Gateway Concept Plan (1990)

### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

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

# Review Criteria: Consistency with Adopted Plans

## Comprehensive Plan 2000

- **Opportunities**

- **Mixed-use development** ■ Integration of housing, retail, services, recreation and employment uses is increasing. New development in and around Downtown and at Lowry, Stapleton, Gateway and the Platte Valley will create the potential to live near work and use alternative transportation to reach destinations conveniently (pg. 128).
- Environmental Sustainability Strategy 2-F – Conserve land by: **promoting infill development** with Denver at sites where services and infrastructure are already in place (pg. 39)
- Land Use Strategy 3-B – **Encourage quality infill development** that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (pg. 60)
- Mobility Strategy 4-E – Continue to **promote mixed-use development**, which enables people to live near work, retail and services. (pg. 78)

# Review Criteria: Consistency with Adopted Plans



## Blueprint Denver (2002)

- Land Use Concept:
  - Mixed Use
    - Sizable employment base as well as housing
    - Land uses mixed within buildings, developments, and blocks
  - Within AOC
    - Channel growth where it is beneficial
    - Gateway identified as an AOC

# Review Criteria: Consistency with Adopted Plans



## Blueprint Denver (2002)

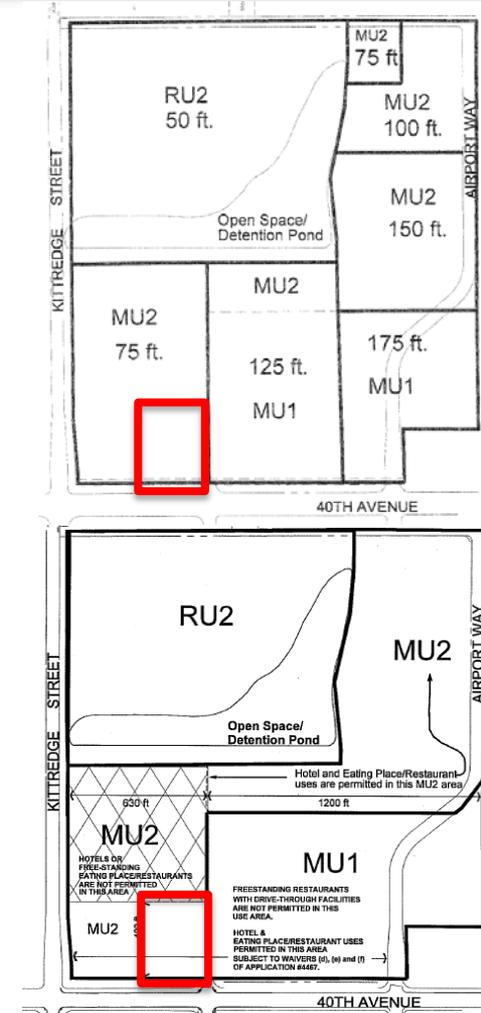
- Future Street Classification:
  - North Kittredge
    - Residential Collector
  - E 40<sup>th</sup> Ave
    - Undesignated
    - Arterial classification by Public Works

*Reminder: Evaluating whether the proposed zone district is consistent with the Future Street Classification, but not to assess the traffic impacts of a specific development proposal.*

# Review Criteria: Consistency with Adopted Plans

## Gateway Concept Plan (1990)

- Highly flexible planning areas to adapt to changing market conditions
- Activity Centers with large-scale hotel and office clustered at major interchanges
- 1999 MU2 rezoning updated land use and building heights concepts indicated recommended height transition



## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- CPD finds the rezoning is consistent with Comprehensive Plan 2000, Blueprint Denver, Gateway Concept Plan

### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

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

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. **Justifying Circumstances**
  - The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area
    - Adopted plans recommend mixed use development and recognize evolving character
    - Mixed-use node evolved over time
    - Denver Zoning Code introduced new tools to implement plans
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent
  - Suburban Neighborhood Context
    - Appropriate to recognize suburban context and character of site

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent
  - S-MX zone districts 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
    - The building form standards of the Mixed Use Zone Districts balance the importance of street presence and provision of adequate parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way.
  - S-MX-8 applies to areas served primarily by arterial streets where a building scale of 1 to 8 stories is desired

CPD recommends **Approval**, based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent