



COMPREHENSIVE ASSESSMENT

Bill for Ordinance #18-1075

Zone Map Amendment Application
#2017I-00192

PERSPECTIVE

To provide a means to fully evaluate the potential impact of a Rezoning application for the property located at 4201 E. Arkansas Avenue that adheres to Adopted Plans and policies set forth in the Denver Zoning Code.

Timothy Carl

Resident, Virginia Village
Neighborhood

November 26, 2018

November 26, 2018

Denver City Council
1437 Bannock St., Rm. 451
Denver, CO 80202

The Honorable:

Mr. Raphael Espinoza,
Mr. Kevin Flynn,
Mr. Paul Lopez,
Ms. Kendra Black,
Ms. Mary Beth Susman,
Mr. Paul Kashmann,
Mr. Jolon Clark,

Mr. Christopher Herndon,
Mr. Albus Brooks,
Mr. Wayne New,
Ms. Staci Gilmore,
Ms. Robin Kneich,
Ms. Debbie Ortega

RE: Bill for Ordinance #18-1075

Dear Council Members:

The Comprehensive Assessment of the proposed Rezoning for property at 4201 E. Arkansas Avenue has been evaluated by a team of residents within Virginia Village. As City Council will likely hear this matter and invite public comments on December 3, 2018 in Council's Hearing Room, we ask that you avail yourself to read and digest this document. This document reflects a concerted effort to demonstrate the significant impacts a proposed rezoning of this size and scale will have on our community. We ask that you take into consideration the components identified in the document, as we utilized the same standards that City Planning Staff provide as the foundation of their recommendations to City Council.

Democracy works when we all have a voice. Please consider the facts presented by all sides and take into consideration the founding principles of our City, which honors the unique character and quality of our communities and the strong and authentic neighborhoods that form the foundation of what makes Denver so special. Let's not add more impacts that affect quality of life for those most likely affected by this development application.

Respectfully,



Timothy W. Carl, Member
VVETO (Virginia Village Enforcement & Trade-offs) Committee

cc: Andrew Web, Senior City Planner

Evaluation Criteria Overview

1. Is the rezoning consistent with completed plans?

- a. The proposal falls within the following Plans:
 - i. Denver Comprehensive Plan 2000;
 - ii. Blueprint Denver;
 1. The **proposal does not comply with all plan criteria**, specifically identified as “Strategies” within the Comprehensive Plan and “key components” within Blueprint Denver;
 2. An assessment has been provided below.

2. Does the rezoning further public health, safety and welfare?

- a. While a portion of the property (closest) to Colorado Blvd., has demonstrated criteria to allow for appropriate transition of uses, proposed uses closest to Birch Street will **have impacts of traffic, noise, character and quality of living within the area**. No clear remediation of impacts has been identified within the proposed development. Higher density residential does not adhere to the character of the adjacent residential areas, which support low-density, single-story residential development.

3. Are there circumstances that justify the rezoning?

- a. This statement appears “discretionary” and difficult to determine based on one or more factors. While the property could serve as redevelopment of a closed CDOT Administration facility, the approach to the type of designated zone districts and lack of specificity on how development could occur remains a critical issue.

4. Does the rezoning align with the zone district’s purpose and intent?

- a. The proposed adoption of S-MX-8, S-MX-5, S-MX-3 and S-MU-3 exist within the Denver Zoning Code and would be applied to the subject site. Any subsequent development must comply with standards set forth within the code. The concern would be to the extent of “permitted uses” allowed in several zone districts which would allow for higher density development which transitionally would be inconsistent with the intent and purpose of zoning.
- b. A rezoning of this nature **should support uses that allow for adequate transition between low density residential to a high-density commercial development**. It remains unclear on how limitations (if any) can be placed on permitted uses within each zone district, once the rezoning has been approved.
- c. **Non-compliance exists between the adopted Plan’s recommendations and the proposed zone districts to be applied** to this site. This occurs in both Denver Comprehensive Plan 2000 and Blueprint Denver.

5. Would it result in consistent regulations for each property with the same zoning designation citywide?

- a. Under the adoption of the Denver Zoning Code, this proposal must comply with designated zone districts.
- b. However, given the nature of this property and the number of proposed uses on the site, it would be better served by a **PUD zone district** that could establish more criteria around how development and uses would occur on the subject property.

I. Denver Comprehensive Plan 2000 Assessment

Component	Compliance	Non-Compliance	Not Applicable
Environmental Sustainability		✘	
Land Use		✘	
Mobility		✘	
Legacies			✘
Housing		✘	
Economic Activity		✘	
Neighborhoods		✘	
Education			✘
Human Services			✘
Arts & Culture			✘

Overall Approach

Plan 2000 stresses that planning policy decisions should be considered for both the short-term and their long-term impacts on the human and physical environments (Plan 2000, Page 5). As such, Plan 2000 sets forth ten (10) components for consideration when evaluating proposed land use changes. It can be reasonably concluded that some components may not be applicable, but the Plan, rightfully acknowledges connections between and among these sections and their chapters are clearly identified to signify the importance of viewing Plan 2000 as an integrated whole (Plan 2000, Page 9).

Assertion

- The City’s Community Planning and Development Staff (referred to as “Staff”) has erred in its recommendations to support the proposed rezoning at 4201 E. Arkansas Avenue, 4040 E. Louisiana Avenue and 1380 S. Birch Street collectively identified as Official Zoning Map Amendment Application #2017I-00192 (referred to as “the Rezoning”).
- Staff has selectively identified Plan objectives, strategies and recommendations to support justification of the Rezoning.

- Staff has ignored the basic principles and recommendations identified in Blueprint Denver (2002).
- The proposed zone districts will have adverse impacts to adjacent single-family residential development (one-story development) and will increase traffic congestion, noise and quality of living within the surrounding area, thus conflicting with the intent of a Rezoning that protects the public health, safety and general welfare of its citizens and the community as a whole.
- Current development standards under the S-MX and S-MU proposed zone districts allow for wide ranging uses. While some comply with the intent of activities to adjacent and surrounding existing uses (specific to properties zoned for commercial activities closest to Colorado Boulevard), the zone districts do not preclude multi-story development, up to three stories in height closest to single-story residential development.
- Staff's assertion of a "justified reason" for the Rezoning is subjective at best and lacks foundational facts to demonstrate either demand or need within the community. The idea that this rezoning will be a "downzoning" from current permitted uses, fails to consider the impact of large retail uses and high-density residential development on the site.
- The intent of the Suburban Neighborhood Context cannot be uniformly applied as a "one-size-fits-all" application. Clearly, no restrictive standards to enforce "generous landscaping between street and buildings" as well as within "deep setbacks" will vary depending on type of development. Further, subsequent development will be subject to an administrative Site Development Plan review. The community simply has to hope that the development standards within the Zoning Code will be met and the community will have little to no input on decisions after the Rezoning has been adopted.

Environmental Sustainability | Non-compliance

Key objectives within the Section of Plan 2000 focus on a variety of environmental qualities such as air, water, noise, pollution and natural resource conservation. Applicable strategies that conflict with this proposal include the following:

1-A: Encourage redevelopment of vacant, underutilized and environmentally compromised land known as brownfields (Plan 2000, Page 37).

- The current property has been vacated. It remains unclear how underutilized or environmentally compromised the subject property should be considered. This property does not meet the definition of a brownfield. No environmental studies have been presented to indicate that the property may have suspected pollution including soil contamination due to hazardous waste (Tang, Yu-Ting; Nathaniel C. Paul (2012) "Sticks and stones: the impact of the definitions of brownfield in policies on socio-economic

sustainability”). The Department of Health indicates that some environmental remediation occurred some time ago. The property essentially functions as a “grayfield.”

1-B: Promote public-private sector involvement and cooperation with citizens to formulate plans and actions that achieve shared responsibilities and benefits (Plan 2000, Page 37).

- Community engagement through mandatory and/or volunteered Community Meetings does not meet the intent of cooperation with citizens. Forcing a Rezoning by Map Amendment benefits private sector interests and does not achieve shared benefits.

2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place (Plan 2000, Page 39).

- Taken wholly on its own, the proposal complies with this objective. The Rezoning will allow for infill development and reuse of existing infrastructure.

2-F: Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods; Creating more density at transit nodes; Adopting construction practices in new development that minimize disturbance of the land (Plan 2000, Page 39).

- This proposal could support mixed use and will promote higher-density development but impacts to residents cannot be overlooked. Additional development will drive changes for live/work/play principles to the surrounding neighborhood. This type of development could further impact traffic congestion. No clearly identified means of advancing transit nodes has been fully explored. The closest light rail station exists over one (1) mile away. No coordination on additional RTD bus routes, connectivity nodes or other features can be identified at this early stage. To be clear, if the Rezoning receives approval, the site construction will have impact on the land and could span a considerable period of time.

4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work (Plan 2000, Page 41)

- Clearly, the intent of this strategy focuses on reducing traffic impacts, supporting livable wage appropriate jobs and integration to recreational and related activities. Retail and related commercial uses will likely not be the target for employment for this area. An infill development of this potential size does not promote livability as intended in the Plan. Further, additional traffic impacts will occur. Nothing has been identified as “shared” open space or recreational activity.

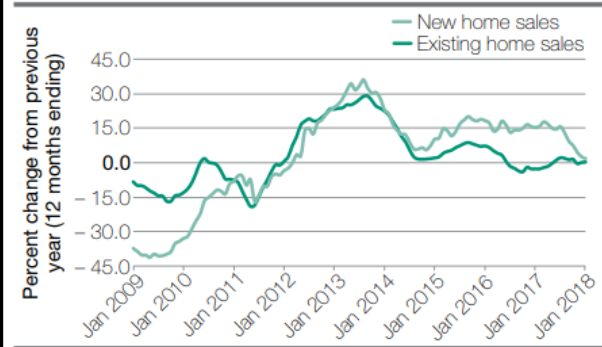
Land Use | Non-compliance

The key goal within this section of the Comp Plan focuses on managing growth and change through effective land-use policies to sustain Denver’s high quality of life. A mix of strategies have been identified, but the key concerns rest in the following:

1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan (Plan 2000, Page 59).

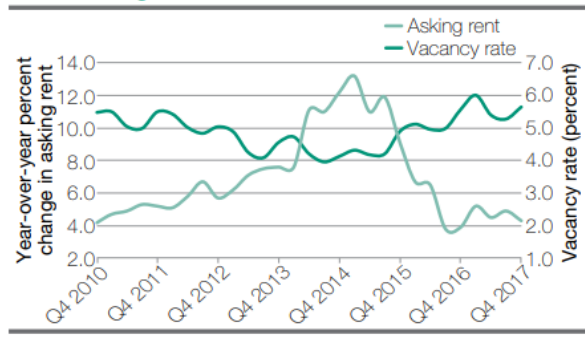
- While this proposed Rezoning will allow for multi-family development, existing property surrounded by low-density residential does not encourage consistent low-density residential development. The Housing Market Profiles for Denver, CO published on February 1, 2018 identifies a tightening market for single-family development. Current apartment market conditions appear balanced. Market demand has increased for single-family development while supply has dropped. The highly focused higher-density residential development (i.e. townhome, apartments) has led to higher vacancies and slower rent growth.

New home sales in the Denver area have increased every year since 2012, but growth in existing sales has been hindered by a low supply of listings during the past 2 years.



Note: Includes single-family homes, townhomes, and condominiums. Source: CoreLogic, Inc., with adjustments by the analyst

A surge in apartment completions in the Denver area during the past 2 years led to higher vacancies and slower rent growth.



Q4 = fourth quarter. Source: Apartment Insights

- The vacancy rate among stabilized apartment properties in the metropolitan area averaged 5.7 percent, up from 5.6 percent a year earlier and up from a recent low of 4.0 percent in the fourth quarter of 2014. If properties in lease up are included, however, the vacancy rate was 10.6 percent, up from 8.8 percent a year earlier.

- How does additional high-density residential development of this nature, proposed at this location benefit the

community, when vacancy rates are steadily increasing? Simply stated: it does not!

3-A: Complete neighborhood and area plans for parts of Denver where development or redevelopment is likely or desirable (Plan 2000, Page 59).

- This simply has not occurred for this site.

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 (Plan 2000, Page 60).

- The community must rely on standards set forth in Zoning Code through an Administrative Site Development Plan process to ensure that this site will meet the character of the

surrounding neighborhood. Transitionally, uses closest to Colorado Blvd. DO SUPPORT the types of mixed uses identified in this Rezoning. However, the proposed zone districts closest to Arkansas Avenue and Birch Street ignore compatible uses by supporting up to three-story Row Houses inconsistent with the one-story, single-family residential development in the area.



Point of interest: the Comp Plan 2000 supports enhancing existing focal points in neighborhoods. A neighborhood focal point might be a park, a school, a distinctive shopping area, a transit station, a cultural or recreational facility. **None of these will be addressed or utilized as part of the development of this site.**

4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment and encourage vibrant urban centers and neighborhoods (Plan 2000, Page 61).

- It remains too early to determine if this can occur with this proposal. The nearest transit station (light rail) exist 1.1 miles away. Staff has indicated that current bus services includes access from Birch Street to the nearest light rail station. As the Rezoning will establish the potential uses on the property, it remains unclear, at best, what efforts will be used to increase transit patronage. We can conclude that the additional number of residential units will adversely impact the existing surrounding neighborhood.
- Plan 2000 also identifies that “decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities” (Plan 2000, Page 60). None of this appears abundantly clear as to how that will be accomplished. No standards in the Denver Zoning Code support these strategies.

Mobility | Non-compliance

This section of the Plan focuses on providing a range of convenient mobility choices for citizen from neighborhood pedestrian connections to crosstown transit. The ability to get from place to place through alternative transportation sources should be promoted. Applicable strategies that conflict with this proposal include the following:

1-H: Recognize that due to the limitations of roadway size, existing streets must operate more efficiently to carry a greater volume of vehicles (Plan 2000, Page 75).

- Louisiana Avenue to the north of the property has been identified as the sole Collector Street for this site. Arkansas Avenue and Birch Street have been categorized as Local Streets. The impacts to the existing road systems could be substantial. The proposal identifies up to 11,000 average daily trips. Efficiencies for these existing local streets will be limited and likely further impacted.

7-B: Use traffic-calming measures, such as improved law enforcement, narrowed streets and more stop signs, to encourage changes in driving habits (Plan 2000, Page 82).

- We have no way of ensuring that traffic calming measures will be included as part of the Rezoning, because the proposal relies on a Map Amendment to existing zone districts and requires administrative review through Site Development Plan submittal. The Development Agreement does not speak to any measures of providing narrowed streets and signs to enforce impacts from additional traffic, other than submittal of a more detailed traffic analysis. Therefore, **surrounding impacts adjacent to the subject property cannot be enforced by the City unless specifically identified as part of the Rezoning application.** No such measures have been clearly identified in the Development Agreement.

Housing | Non-compliance

While a variety of focal points exist within this Section of the Plan, the core components of the Plan focus on ensuring that City policies and procedures promote housing development and do not add unnecessary costs (Plan 2000, Page 117). Affordable Housing remains a high-priority. Applicable strategies that conflict with this proposal include the following:

4-C: Ensure that plans for new development areas include traditional urban neighborhoods with well-designed, well-built homes affordable to middle-income households and close to work, shopping and services (Plan 2000, Page 121).

- Set aside the needed affordable housing component of this Rezoning, which we acknowledge as viable and consistent with adopted strategies for Denver and consider that the proposed rezoning supports a large amount of high-density residential development, does not support an increase in middle-income households and, while loosely aligned to the site may encourage shopping and services, does not further advance proximity to work, as these metrics either do not exist or have not been documented as part of this proposal.
- This section of the Plan also supports opportunities for low- and middle-income households to become homeowners. Apartments for lease do not accomplish this objective.

6.B: Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines. (Plan 2000, Page 117).

- Affordable rental, by percentage of number of units has been proposed with this Rezoning. Nothing supports residential units that provide an entry point to ownership. Those details remain obscured at this point. The Development Agreement advocates for some affordable housing units.

Economic Activity | Non-compliance

A foundation of the Comp Plan, Economic Activity includes sustained growth through employment and good paying jobs. It should support means for businesses to continue to be a part of the community, including support for workers engaged with such businesses. Applicable strategies that conflict with this proposal include the following:

*4-B (sub-component): As significant redevelopment tracts become available, and as needs of declining neighborhoods are addressed, engage in a **master planning process** to attract the highest quality uses and the best development techniques (Plan 2000, Page 136).*

- The City has no interest in proposing a Master Plan for this site. The site can be well-served by a **PUD zone district**. This provision exists within the Denver Zoning Code (Section 2.3.3., Article 9).

- This unique zone district provides form, use, parking and other standards tailored to a particular site.
- City staff argues that the requirements for use of this type of zone district will not be necessary. Rather, the form-based zone districts proposed for the site, include extensive design criteria and standards to manage use, form, parking and so forth.
- This tool could ameliorate many of the concerns raised by the Community.
- This unique zone district allows maximum flexibility during the planning stage and maximum assurance that exactly what is proposed will be developed.
- This could avoid awkward transitional uses between the existing neighborhood and proposed future development.



Neighborhoods | Non-compliance

The foundation of a neighborhood for Plan 2000 focuses on the ability to “build on the assets of every neighborhood to foster a citywide sense of community.” While the Virginia Village Neighborhood Plan cannot be considered as part of the evaluation for this Rezoning and its many policies have unfortunately been outdated from the adoption of the Plan in 1973, it still has the following context that should be observed:

Objective 3. To encourage the preservation and enhancement of the low-density residential character of the neighborhood.

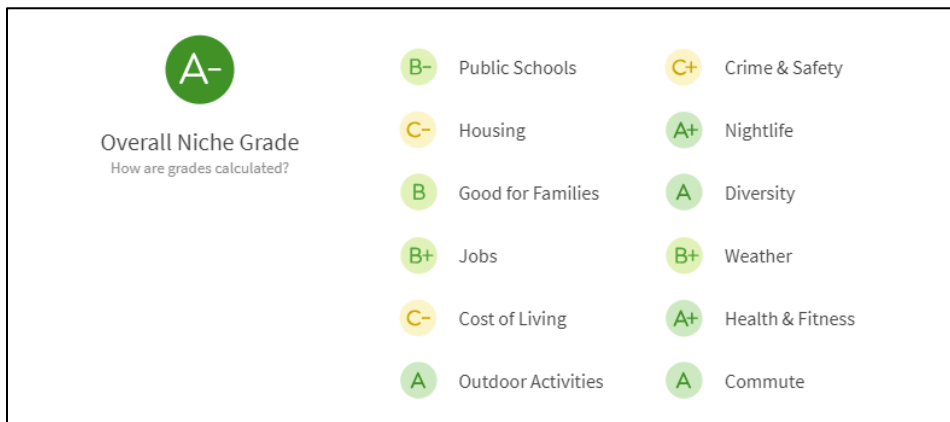


Simply stated, the proposed Rezoning fails to meet the following strategies (Plan 2000):

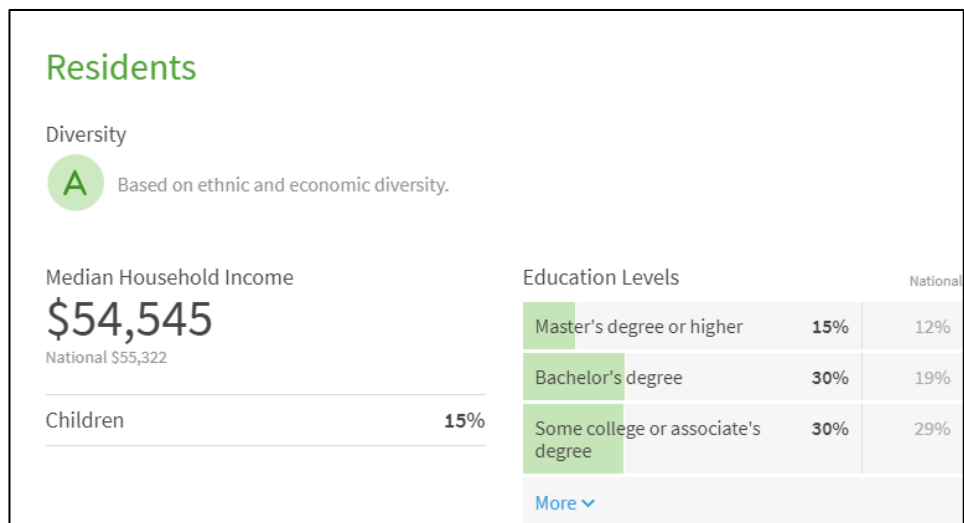
- *Respect the intrinsic character and assets of individual neighborhoods (1-A);*
- *Strengthen the sense of place in each neighborhood with adequate and well-designed, public realm facilities such as libraries, recreation centers, neighborhood businesses and retail areas (1-C).*

This proposal obfuscates the existing character of Virginia Village. This will do nothing to strengthen the sense of place in our neighborhood and does not promote any amenities that make a neighborhood vital and established.

[Niche.com](https://www.niche.com) provides a Report Card on Virginia Village as follows:



- Niche grades and rankings are calculated using dozens of public data sets and reviews. Data sets include Department of Education, U.S. Census and FBI. Our neighborhood has a low inventory of houses available for sale, a higher cost of living while promoting qualities such as health & fitness, community, diversity and nightlife.



- Median Home Value is \$329,521 and median rent is \$1,085. Median Household Income is \$54,545. It remains unclear how this new development will impact household income.

II. Blueprint Denver

Overall Approach

As understood, Blueprint Denver is the primary step to implement and achieve the vision outlined in Plan 2000 (Blueprint, Page 3). The property has a predominate designation of Single Family Residential. Even City Staff recognize that ¾ of the total land affected by this proposal are within an area designated as an Area of Stability.

- Areas of Stability comprise the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected in the next 20 years. (Blueprint, Page 120).
- The overarching goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development redevelopment (Blueprint, Page 140).

Assertion

- Blueprint Denver has not been applied correctly for this property. While a portion resides within a “Corridor Area” and should support higher density uses, specific to corridor areas, such as commercial activities, the bulk of the property does not fit that category.
- The Plan does not specify the type of redevelopment and it would be a grotesque assertion that this could be considered a modest redevelopment for such an area.
- Blueprint Denver does not specifically identify Committed or Reinvestment Areas and should not be applied to justify the nature of this type of development.
- No factual data supports a concept that higher-density development invites more “walkable” and “sense of place” areas.

The proposed zone districts for this site have some standards that may align with Blueprint Denver, but the S-MX zone district to the east has been wrongly applied to this proposal.

Justifications that Support this Rationale

Key Strategies	Meets	Does not Meet
Infill and redevelop vacant and underused properties	✓	
Reuse of older buildings, including industrial buildings		✓
Compatibility between new and existing development		✓
Balanced mix of uses — no one use has a dominating impact within the mix		✓
Transit service and access		✓

Key Strategies	Meets	Does not Meet
Multi-modal streets		✓
Adequate parks and open space	✓	
Economic activity—business retention, expansion and creation		✓
Housing, including affordable housing	✓	

Committed Area – Blueprint Denver | Non-compliance

Committed Areas are stable neighborhoods that may benefit from the stabilizing effects of minor infill development rather than large-scale, major redevelopment. Tools appropriate for this neighborhood seek primarily to maintain present character and to motivate modest redevelopment of selected areas, such as commercial corridors or neighborhood centers. Infrastructure, which is generally adequate, needs to be maintained. Committed Areas of Stability face many different challenges. For example, some neighborhoods are primarily concerned about the transitions or lack of transitions between commercial areas and residential areas. Some neighborhoods are focused on traffic issues. Other neighborhoods are more concerned about replacement housing that has a design incompatible with the rest of the neighborhood. The challenge in these latter neighborhoods is to preserve character without preventing residents from upgrading their homes to meet contemporary standards.

- Large scale development of this type will be destabilizing for those areas identified as single-family, low-density residential.
- Infill development promoted along the Corridor may be appropriate, but transitional zoning through open space, buffers and setbacks will be dependent of criteria within the S-MX-zone districts at the time of development, which gives little comfort to supporting the intent of the Plan.
- Present character of the area will be changed permanently.
- Traffic issues have not been fully ameliorated.
- No effort exists to demonstrate how existing character of residential development benefits from forcing and/or encouraging residents to flee based on higher-density development proposed for the site.

Areas of Stability – Blueprint Denver | Non-Compliance

Areas of Stability Respect valued development patterns

- This proposal does not adhere to this recommendation. It would alter existing development patterns from a high degree of low-density residential to mixed use activities, without consideration of adequate transitional standards to help preserve character and quality of the area.









Relationship of the building to the street





- Varies depending on type of use, including closer setbacks compared to existing low-density residential homes in the area. This can be supported for development along Louisiana Avenue, given the transitional nature of activities and uses.

Location of garage, driveway, and parking; Front yard landscaping; Building scale; Roof shape and durability of materials

- These characteristics will likely be obliterated with the expectation that Zoning Code standards will somehow be met in support of these recommendations.

Non-compliance based on Blueprint Denver standards include:

Criteria	Response	Score
Respect valued attributes of area	Unclear. The Development Agreement seeks some preservation of existing large trees, but the transitional uses proposed do not align with the character of the area.	
Diversity of housing types and prices	The proposal will encourage a mix of housing types, including provisions for affordable housing. Pricing remains an unknown.	
Neighborhood-serving retail and service	The S-MX zone districts, especially toward Colorado Boulevard support this recommendation.	
Existing buildings, especially those adding distinctive character and identity	Likely all buildings on the site will be removed, the existing Communications Tower must remain. No aesthetic efforts will be made to the Tower.	
Mature landscaping	To some extent, trees will be preserved, where possible	
Existing circulation (streets, alleys, sidewalks)	Will be impacted. The developer has proposed continuation of several streets from Arkansas through to Louisiana.	
Significant views from public places	Views will be further reduced by the size of development.	
Parks and parkways respect adjoining property	Unclear	

Criteria	Response	Score
Light, air and privacy	Will be impacted by the higher-density development.	
Fencing	Will have to comply with Denver Zoning Code.	
Orientation to the street	Loading of structures, including bulk-plan view will have to adhere to Denver's form-based code in the Zoning Code. Loading along low-density (local streets) such as Birch Street & Arkansas <u>will have large negative impacts.</u>	
Alignment of buildings along street	See above.	
Night lighting	Unclear, but likely reduced.	
Expand transportation choice	Staff supports the idea that light rail (1.1 miles away) and current RTD bus routes will be enough to support this type of development. This remains unclear.	
Pedestrian safety and comfort	Greater impacts will naturally occur from higher-density development.	
Access to transit	See above.	
Street system continuity	Noted previously.	
Minimize traffic impacts on neighborhood streets	This will be further impacted and cannot be assessed adequately until Site Development Plan application.	
Lower traffic speed	Non-identified.	
Less cut-through traffic	This will be further impacted and regardless of subsequent review – has impact to this existing neighborhood.	
Not solving one problem only to create another	It remains unclear how much benefit will be received by this type of development.	

Criteria	Response	Score
Respect environmental quality	The site will likely be graded, subject to some level of environmental remediation and will not be integrated into environmental quality standards, outside of those clear requirements set at time of Subdivision or as applied by Denver Codes.	⚠
Tree canopy	Limited based on language in Development Agreement.	⚠
Permeable open space	10% has been identified by the Developer, but its full function and purpose is unclear.	⚠
Parks and parkways	None proposed with this application. Public/Private open space is dependent on vague criteria set forth in the Development Agreement.	❌

Score: **88% either not met or unclear** as to how it will be remediated based on Blueprint Denver criteria.

This illustration exists as part of the Kentro Property proposal for rezoning application, based on proposed zone districts (Page 22, Exhibit No. 14 in Norris Design) submitted to the City. This has been conspicuously hidden from any meetings held by Kentro with local residents. This demonstrates potential impacts.

This proposal fails to adhere to the tenets established within Blueprint

Denver. 1) The proposal would allow a significant increase in density and does not adequately support the idea of transitional activities consistent with the Stability standards set



forth in the Plan. 2) This development will adversely impact existing residential development to the east and south of the subject property.

III. Additional Standards Not Taken into Consideration

Denver Zoning Code, Section 12.4.10.7 - General Review Criteria Applicable to All Zone Map Amendments notes that the City Council **may** approve an official map amendment if the proposed rezoning complies with all of the following criteria:

A. 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 the adoption of the City's plan.

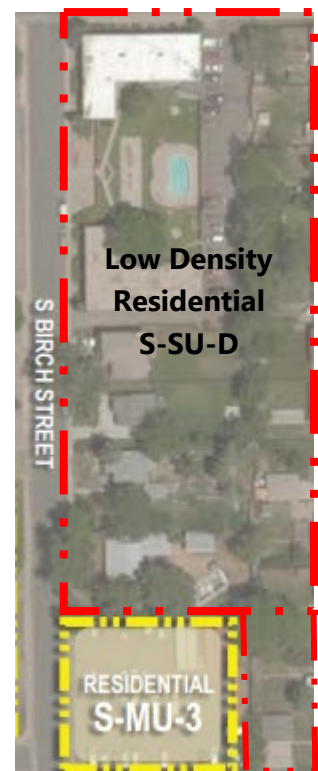
- As demonstrated in this document, the proposal has inconsistencies with both Denver's Comprehensive Plan 2000 and Blueprint Denver.

B. 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 12.4-32 | Article 12. Zoning Procedures & Enforcement Division 12.4 Zoning Application and Review Procedures DENVER ZONING CODE June 25, 2010 | Republished May 24, 2018 the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

- Utilizing Denver Zoning Code avoids criteria that could be better managed through a PUD or General Development Plan. Denver Zoning Code has design standards, but enforcement of these standards relies specifically on review by City Staff. While the Developer has promoted the idea of "open communication" with the community, there is little to no enforcement should a Site Development Plan be approved other than allowing for Community Appeal of such actions – assuming notice occurs. Essentially, we would have to monitor development without reasonable assurances that it complies strictly to established guidelines.

C. Public Health, Safety and General Welfare The proposed official map amendment furthers the public health, safety and general welfare of the City.

- It has been demonstrated that this proposal will have negative impacts to the surrounding neighborhood, especially adjacent to low-density residential. S-MU-3 supports up to three stories of residential development. The surrounding properties are all low density, single-story residential. The site impacts will be



noticeable to traffic, solar exposure, noise, character of the area and compatibility with surrounding uses.

- It remains unclear on how future development will impact additional traffic generation in the area. By example, Colorado Boulevard currently see average daily traffic trips of **58,610 per day**¹ and this proposal could add an additional 11,000 trips that will further impact traffic to local, collector and arterial roads in the area.



AVG. DAILY TRAFFIC

On Colorado north of Florida	58,610 VPD
On Colorado south of Florida	68,192 VPD

IV. Closing Arguments

The CMP-E12: Campus-Education/Institution Zoning allows for up to 150' heights and includes a mix of uses that the applicant would like the City to consider as unacceptable in today's development climate. However, application for Rezoning has been made and as a Community, we have not agreed with this application, instead we have identified:

- That existing zoning is entitled on the property and can allow higher density development, subject to current review standards and application. No retail development can occur under the existing zoning;
- The site could remain vacant. However, the State has requirements that include disposition of the land to the City/County within which it resides. The City has approved an agreement with Kentro to potentially develop the site. The City has potential earnings in the millions of dollars for subsequent development that could occur from the sale of the property. However, the time-imposed period for completion of application to Rezone the property has been self-imposed. **Clearly, more time can and should be afforded for such a large-scale development of this nature.**
- Extenuating circumstances warrant use of alternative tools, such as a PUD zone district to further clarify uses, standards and transitional activities outside of those provisions found within the standard zone districts applied for with this application AND where incompatible densities, height and architecture will be impactful to the surrounding area.

1. Crosbie Real Estate Group, www.creginc.com

THREE-STORY ROW HOUSE ALLOWED
UNDER S-MU-3 Zoning

Proposed ●

SINGLE-FAMILY, ONE-STORY RESIDENCE
- VIRGINIA VILLAGE

Today, under S-SU-D Zoning ●



- A General Development Plan will not be considered by Staff and has been justified as not needed, but in evaluation of this finding, Staff has concluded that an all or nothing compliance rule shall be applied. This is not the intent of the criteria.
 - The proposal would be *for large-scale development on more than 10 acres of land.*
 - The site will *likely be built in phases.*
 - The “or” component of this provision of “*owned by more than one person*” is not an “and” and does not justify ignoring the whole of these requirements.
 - *...otherwise changing the arterial or collector street grid* (identified as item 3 for a General Development Plan) means that additional traffic impacts will need to be addressed and have been relegated to an Administrative Review as part of the Site Development Plan process. The assertion that this will be managed by Development Agreement is suspect at best. While a local street will be proposed to break up the property, this does not address traffic impacts at a broader level.

Recommendations:

In light of all comments and evaluation presented in this document, the Community would request that City Council either **DENY** the proposal as presented, or allow the matter to be **TABLED**, so that additional standards may be included that support adequate transitional criteria in support of the existing residential development in and around the area. City Council may also choose to **CONTINUE** the matter and set specific criteria for Staff, the Developer and key Community Members to identify key areas of concern and means of mediation on those matters.