



**DENVER**  
THE MILE HIGH CITY

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**TO: Denver City Council**  
**FROM:** Sarah Showalter, Senior City Planner  
**DATE:** July 29, 2013  
**RE: Zoning Map Amendment #2013I-00008**  
**1300 S. Sheridan Boulevard**  
**Rezoning from PUD 511 to E-MX-3**

**Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, including legal basis evaluation and compliance with adopted City plans, Staff recommends **approval** for proposed map amendment #2013I-00008 for a rezoning from PUD 511 to E-MX-3.

**I. Scope of Rezoning**

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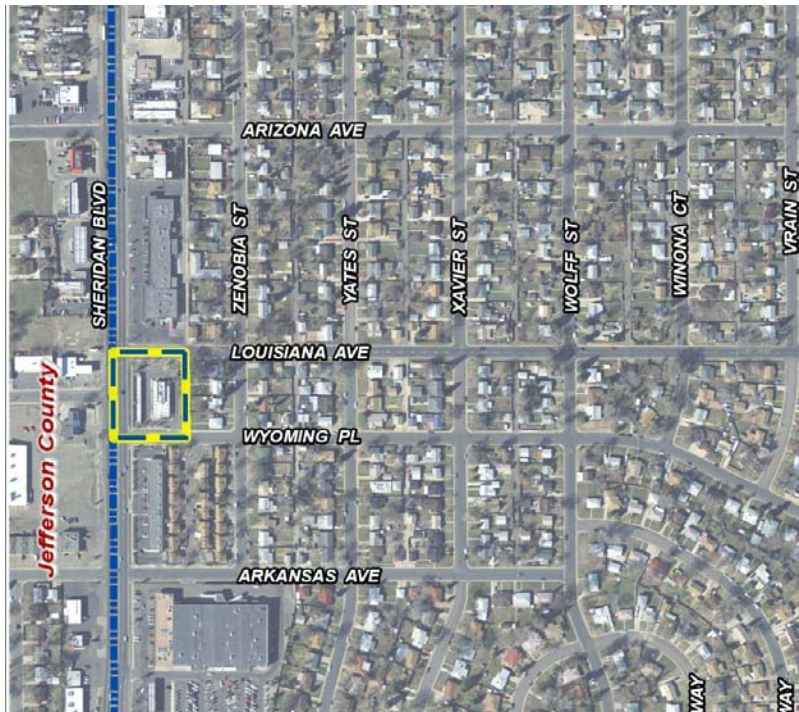
Proposed Map Amendment: **#2013I-00008**  
Address: 1300 S. Sheridan Boulevard  
Neighborhood/Council District: Mar Lee Neighborhood / City Council District #3  
RNOs: Greater Mar Lee Neighborhood Association;  
Inter-Neighborhood Cooperation  
Area of Property: 0.65 Acres / 28,632 SF  
Current Zoning: PUD 511  
Proposed Zoning: **E-MX-3**  
Property Owner: SRI Real Estate Properties, LLC  
Contact Person: Scot Treadwell

**II. Summary of Proposal**

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The property proposed for rezoning is located on the east side of South Sheridan Boulevard between Louisiana Avenue and Wyoming Place. The site composes the western half of the block bounded by Sheridan, Louisiana, Wyoming, and Zenobia. The property currently contains a drive-in restaurant with surface parking and landscaping. The surface parking is covered by canopies where customers park, order, and receive their food. There is a masonry screen wall that runs along the entire eastern edge of the property. To the east of this wall is an alley that separates the site from residential homes on the east half of the block.

The existing zoning for the site is PUD 511, which was approved in 2001. The PUD allows for a drive-in eating place. The owner is requesting a change in zoning to allow for a drive-thru facility accessory to the existing restaurant. The requested zoning for the site is E-MX-3 in the Urban Edge Neighborhood Context. This zone district allows for a wide mix of residential and commercial uses. Building forms have consistent moderate to deep front setbacks and the maximum height is three stories. Details of the zone district can be found in Article 4 of the Denver Zoning Code (DZC).



Site location: 2012 Aerial

### III. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	PUD 511	Drive-In Restaurant	Area of Stability Single Family Residential
<b>North</b>	E-MX-3	Retail	Area of Stability Single Family Residential
<b>South</b>	PUD	Retail	Area of Stability Single Family Residential
<b>East</b>	U-SU-DX	Single Family Residential	Area of Stability Single Family Residential
<b>West</b>	Jefferson County – retail uses		

The neighborhood context consists of a regular pattern of rectangular block shapes with a modified grid of streets. Sheridan Boulevard, identified as a Mixed Use Arterial in Blueprint Denver, contains a variety of commercial and retail uses. The buildings along this corridor typically have deep setbacks with parking and landscaping in front of the building. Two blocks south of the site there is a large grocery store at Sheridan and Arkansas Avenue. Two blocks to the north, Sheridan intersects with Morrison Road, a diagonal street that is an important commercial destination for the surrounding neighborhood and is designated in Blueprint Denver

as an Area of Change. In 2009, the City adopted a District Development Plan for Morrison Road between Alameda and Sheridan as part of the Neighborhood Marketplace Initiative through the Office of Economic Development. The development plan establishes a strategy for strengthening the Morrison Road district, including the residential neighborhoods adjacent to the corridor, and has led to improvements in the area such as streetscape enhancements and the creation of an enterprise zone.

### Existing Zoning

The existing zoning for the site is PUD 511, which was approved under Former Chapter 59 in 2001. The PUD permits one use only – a drive-in restaurant with a maximum footprint of 1,362 square feet and a maximum floor area ratio (FAR) of 0.04:1. The PUD requires a minimum of 36 parking spaces, or 1 space per 38 square feet of gross floor area. The maximum building height allowed is 17 feet and the following setbacks apply:

#### Building

North (side): 60 feet  
South (side): 80 feet  
East (rear): 52 feet  
West (front): 84 feet

#### Canopies

North (side): 36 feet  
South (side): 15 feet  
East (rear): 38 feet  
West (front): 21 feet

The proposed zoning for the site, E-MX-3 would allow for a maximum building height of 3 stories or 45 feet. The setbacks for E-MX-3 vary by building form. The current structure would become a compliant structure under the E-MX-3 zoning and any future additions would be required to meet the standards of the E-MX-3 zone district.

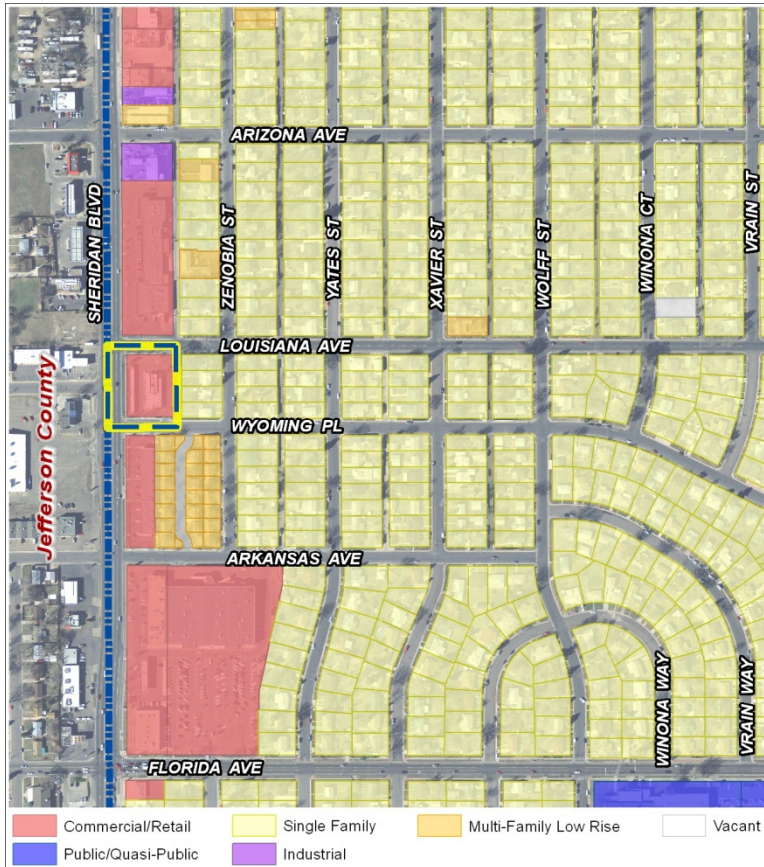
North of the site, along Sheridan, the existing zoning is E-MX-3. To the south is another property with PUD zoning under Former Chapter 59. East of the site is a residential neighborhood zoned E-SU-DX and to the southeast a neighborhood zoned S-SU-D.



Existing Zoning Map

### Existing Land Use

The existing land uses along Sheridan Boulevard, including the subject site, are commercial/retail.



*Existing Land Use Map*

### Existing Building Form and Scale

The majority of buildings along Sheridan Boulevard are 1 story with moderate to deep setbacks and surface parking in front of the building.



*View of subject site looking south from the corner of Louisiana and Sheridan*



*View of subject site with residential uses to the east*



*Retail use to the north of site, at the northeast corner of Sheridan and Louisiana*

#### **IV. Summary of Agency Referral Responses**

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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:

**Asset Management:** Approve - No Comments.

**Development Services – Fire:** Approve Rezoning only. Will require additional information at Site Plan Review

**Public Works – City Surveyor:** Approve – No Comments.

#### **V. Public Review Process**

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CPD Staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on May 9, 2013.

The property has been legally posted for a period of 15 days announcing the City Council public hearing date on August 5, 2013, and written notification of the hearing has been sent to all affected registered neighborhood organizations.

At the time of this staff report, no public comments have been received.

#### **VI. Criteria for Review / Staff Evaluation**

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The criteria for review of this rezoning application are found in DZC Sections 12.4.10.13 and 12.4.10.14, as follows:

##### **DZC 12.4.10.13**

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare

#### **DZC 12.4.10.14**

- A. Justifying Circumstances
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements.

#### **A. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*

##### **1. Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

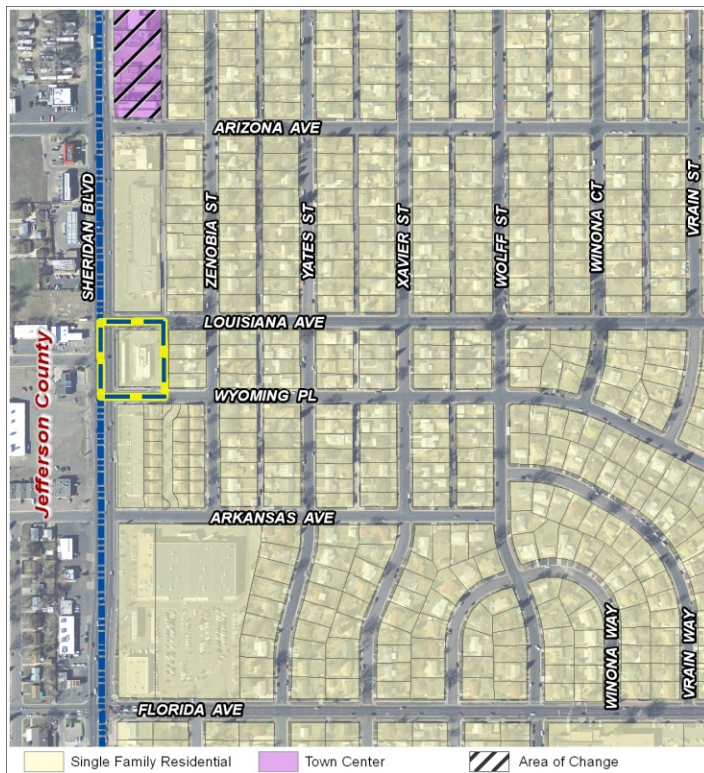
The proposed map amendment would enable the option for mixed-use development on an infill location where services and infrastructure are already in place. The proposed E-MX-3 zone district broadens the variety of allowed uses. The rezoning is consistent with these plan recommendations.

##### **2. Blueprint Denver**

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.

#### **Future Land Use**

For this neighborhood, Blueprint Denver classifies the entire neighborhood as Single Family Residential, even along the Sheridan Boulevard border, which has primarily commercial uses. Single Family Residential is defined as residential neighborhoods of single family homes with densities fewer than 10 units per acre. The proposed E-MX-3 zoning would allow for single family homes. It would also allow for higher-density residential options and range of land uses including mixed use and commercial, which may be more appropriate for a Mixed Use Arterial like Sheridan Boulevard (see discussion below under Street Classifications).



*Blueprint Denver Land Use Map*

### **Areas of Change/Stability**

The site is within an Area of Stability. Areas of Stability include the majority of Denver; primarily the stable residential neighborhoods and their associated commercial areas. According to Blueprint Denver, the “goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (page 120). The proposed rezoning is consistent with the goal to maintain the character of the area while also accommodating appropriate new development. The proposed E-MX-3 zone district would allow new commercial, residential, or mixed-use development that is appropriate in form and scale for Sheridan Boulevard. At the same time, it would maintain the character of the residential neighborhood since it contains standards to protect the residential uses that are adjacent to this site. For example, E-MX-3 requires upper story setbacks where adjacent to a protected district (the adjacent residential zoning qualifies as a protected district) and any new drive-through on the site would be required to meet the requirements for Drive-Through Facilities Adjacent to a Residential Zone District in Section 11.10.8 of the Denver Zoning Code.

### **Street Classifications**

Blueprint Denver identifies Sheridan Boulevard as a Mixed Use Arterial. According to Blueprint Denver, Arterial streets are “designed to provide a high degree of mobility and generally serve vehicle trips to, from, and within urban areas” (page 51). Mixed Use streets

are located in “high-intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity (page 57). The proposed E-MX-3 zoning would enable the type of higher-intensity mixed use development that is envisioned for a Mixed Use Arterial like Sheridan.

The site also has frontage on Louisiana Avenue and Wyoming Place, which Blueprint Denver classifies as Undesignated Local Streets. These streets are “influenced less by traffic volumes and are tailored more to providing local access” (page 51). The proposed E-MX-3 zoning is consistent with these classifications because it would encourage development that relates to Sheridan as the primary street with the local streets as secondary.

### ***B. Uniformity of District Regulations and Restrictions***

The proposed rezoning to E-MX-3 will result in the uniform application of zone district building form, use and design regulations.

### ***C. Public Health, Safety and General Welfare***

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

### ***D. Justifying circumstance***

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, “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.” As mentioned above under Existing Conditions, the site is proximate to the Morrison Road district, which is designated as an Area of Change in Blueprint Denver and is part of the Office of Economic Development’s Neighborhood Marketplace Initiative. The changes and new investment occurring in the area justify updated zoning that will encourage redevelopment on a site close to the Morrison Road District. In addition, the proposed zoning recognizes the vision established in Blueprint Denver for Sheridan Boulevard to change into an arterial with a mixed-use character with higher-intensity uses. Finally, the current PUD zoning was left in place during the 2010 Denver Zoning Code (DZC) update while adjacent sites were mapped into the new code. Updated zoning will encourage uniform application of the new DZC along Sheridan Boulevard.

### ***E. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements***

The requested E-MX-3 zone district is within the Urban Edge Neighborhood Context. This context generally consists of single-unit and two-unit residential uses with small-scale multi-unit residential uses and commercial areas embedded within residential areas. Buildings are typically lower scale with some mid-rise commercial and mixed use structures at nodes or along arterial streets (DZC Division 4.1). The proposed rezoning to E-MX-3 for this site, which is located on an arterial, would lead to development that is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the E-MX-3 district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 3 stories is desired” (DZC Section 4.2.4.1.D). Because Blueprint Denver identifies Sheridan as an arterial, the proposed map amendment is consistent with the zone district intent statement. Although there are no adopted plans for the area that specify building height



recommendations, the 1-3 story scale is appropriate for a Mixed Use Arterial like Sheridan and it conforms to the E-MX-3 zoning that is found along Sheridan immediately north of the site.

#### **VII. Planning Board Recommendation**

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At its regular meeting held June 5, 2013, the Denver Planning Board unanimously recommended **approval** of this map amendment.

#### **VIII. Staff Recommendation**

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Based on the analysis set forth above, CPD staff finds that the application for rezoning for the property at 1300 S. Sheridan Boulevard to an E-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

#### **Attachments:**

- 1. Application**