



DENVER
THE MILE HIGH CITY

TO: Denver City Council
FROM: Ellen Ittelson, AICP, Senior City Planner
DATE: April 27, 2012
RE: Zoning Map Amendment Application #2012I-00007
3200-3262 Blake Street
Rezoning from R-MU-30 with waivers to C-MX-5

Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for Application #2012I-00007 for a rezoning from R-MU-30 with waivers to C-MX-5.

I. Scope of Rezoning

Application:	#2012I-00007
Address:	3200-3262 Blake Street
Neighborhood/Council District:	Five Points / Council District #9
RNOs:	United Community Action Network Inc.; Elyria Swansea/Globeville Business Association; Rino, River North Arts District; Curtis Park Preservation Council; RiNo Neighbors; Northeast Community Congress for Education; Five Points Business District; Inter-Neighborhood Cooperation
Area of Property:	1.15 acres / 49,960 square feet
Current Zoning:	R-MU-30 with waivers
Proposed Zoning:	C-MX-5
Applicant/Owner:	32 nd and Blake Partners
Contact Person:	Ben Gelt

II. Summary of Proposal

The property proposed for rezoning is located at the north corner of Blake Street and 32nd Street in River North. The site is located approximately four blocks southwest of the location of the future 38th & Blake Station on the East Rail Line. The property is currently vacant. The applicant is proposing potential development of mixed residential and commercial uses and is seeking a rezoning to C-MX-5.

The current zoning is Former Chapter 59 zone district R-MU-30, with waivers, established in Ordinance 93, Series 2005. Waivers regarded certain uses being special review, front and side setbacks, open space, parking for live-work dwellings, and a maximum height of 55 feet; all of these waivers were fairly standard for rezoning in this area at the time.

The requested zone district, C-MX-5, is in the Urban Center Neighborhood Context (discussed further below). The district allows a wide mix of residential and commercial uses. Building forms have maximum heights of five stories, minimal setbacks, and significant build-to and

ground-story activation requirements. Details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC). The adjacent property at 3198 Blake was rezoned to from C-MU-10 with waivers to C-MX-5 earlier this year.



Current Zoning

III. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	R-MU-30 with waivers	Vacant	Area of Change Mixed Use
Northwest	C-MU-10 with waivers and conditions	Multi-Unit Dwelling	Area of Change Mixed Use
Southwest	I-MX-3 UO-2	Industrial	Area of Change Mixed Use
Southeast	I-MX-3 UO-2	Industrial	Area of Change Mixed Use
Northeast	C-MX-5 UO-2	Vacant	Area of Change Mixed Use

The neighborhood context consists of a regular grid of streets that is interrupted by the rail lines to the northwest of Blake Street. Block sizes and shapes are consistent and rectangular. Building setbacks are typically shallow for both new residential buildings and older industrial

buildings, with parking (when present) to the side or rear. Building heights range from one to four stories. To the south and east, uses are primarily industrial, but along the west side of Blake Street to the north and south, the land use pattern has become consistently multi-unit residential over the past several years, stretching from 30th Street north towards the site of the future commuter rail station at 38th & Blake. A few vacant properties, like the subject site, are found in the vicinity.

IV. Summary of Agency Referral Responses

This rezoning has been reviewed concurrently within the context of the DZC and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management: Approve - No Comments.

Development Services – Transportation: Development Services Transportation approves the zone map amendment. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

Public Works – City Surveyor: Approve – No Comments.

Fire – approve

V. Legal Notice, Public Process & Public Comment

The property has been legally posted for a period of 15 days announcing the Denver Planning Board public meeting, 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

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*
- *Northeast Downtown Neighborhoods Plan (2011)*

- 38th & Blake Station Area Plan (2009)

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.*
- Land Use Strategy 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 encourages vibrant urban centers and neighborhoods.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

Consistent with the plan strategies, the proposed map amendment will enable mixed-use development near a new transit station at an infill location.

2. **Blueprint Denver**

According to Blueprint Denver, this site has a concept land use of Mixed Use (shown in pink in the map below) and is located in an Area of Change (shown in cross-hatching in the map below). Mixed-Use areas “have a sizable employment base as well as housing. Intensity is higher in mixed-use area than in other residential areas” (p. 41). “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p.127).



Blueprint Denver Plan Map

Blueprint Denver classifies Blake & 32nd Streets as Residential Collectors and 33rd Street as an undesignated local. “As collectors and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility” (p. 55).

The proposed map amendment to C-MX-5 will enable growth in an area that Blueprint Denver identifies is appropriate for mixed use change.

3. Small Area Plan: 2011 Northeast Downtown Neighborhoods Plan (NDNP)

This site is located within the boundaries of the **2011 Northeast Downtown Neighborhoods Plan (NDNP)**, in the Ballpark/River North neighborhoods. The future land use of the site is designated as “Mixed Use / Industrial,” which is explained as, “Similar to Mixed Use, but with recognition that light industrial uses, such as light manufacturing and smaller warehouses are compatible with urban residential housing types. These areas have both a sizable employment base as well as a variety of mid-to-high density housing options. Land uses can be, but are not necessarily, mixed in each building, development, or block. Pedestrian access is of importance within the area, with residential and non-residential uses always within walking distance of one another” (p. 16). Further, the plan recommends maximum heights of 5 stories at this location (p. 19).

Although this plan designation contemplates industrial in the mix of appropriate uses, the site is not currently used for industry and does not need the allowance for industrial uses found in other zone districts such as I-MX-3 and I-MX-5. Further, according to the intent statements for the I-MX zone districts, they are intended to be applied in “industrially-dominated areas.” As discussed above, the site is in an area increasingly transitioning to multi-unit residential uses and no longer dominated by industrial uses. Accordingly, C-MX-5 is an appropriate district.

4. Small Area Plan: 2009 38th & Blake Station Area Plan

The site is also located within the boundaries of the 38th & Blake Station Area Plan, adopted in 2009. The plan’s recommendations for this site are generally consistent with the NDNP, calling for Mixed-Use Residential Infill and Redevelopment, noting that this kind of development is already occurring within the station area, especially along Blake Street (p. 51). The proposed C-MX-5 zone district is consistent with these plan recommendations.

B. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-5 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 identified several 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 described above, conditions in the surrounding area have been changing as new residential uses have been established near the future commuter rail station. Two new plans have been adopted in the time period since the property was last rezoned, and the future 38th & Blake station location has been moved closer to this site (previously the location was planned for 40th & 40th).

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

1. The requested C-MX-5 zone district is within the Urban Center Neighborhood Context. The context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC Division 7.1).
2. According to the zone district intent stated in the Denver Zoning Code, the C-MX-5 district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired” (DZC Section 7.2.2.2.B). Because the adopted plans (discussed above) identify the adjacent streets as collectors and the plans designate this site as appropriate for 5 stories, the proposed map amendment is consistent with the zone district intent statement.

VIII. Staff Recommendation

Based on the criteria for review as defined above, Staff recommends approval for rezoning the property located at 3200-3262 Blake Street (Application #2012I-00007) for C-MX-5 zoning.

IX. Planning Board Recommendation

At its regular meeting of April 4, 2012, Planning Board recommended to City Council approval of this application based on the staff report and recommendation.

Attachments:

1. Application
2. Map Series - Aerial, Zoning, Blueprint Denver Concept Land Use Map



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Appendix Page 1

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	See Attached Exhibit A	Representative Name	BEN GELT
Address	730 17TH STREET #690	Address	861 HUMBOLDT
City, State, Zip	DENVER, CO 80202	City, State, Zip	DENVER, CO 80218
Telephone	720-838-8592	Telephone	720-838-8592
Email	BEN@LOGOCOMEDIA.COM	Email	BEN@LOGOCOMEDIA.COM
*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3200 - 3262 BLAKE STREET, DENVER, CO 80205		
Assessor's Parcel Numbers:	0227502003000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lots 1 to 16 Inclusive, Block 20, Case & Ebert's Addition to the City of Denver.		
Area in Acres or Square Feet:	49,960 SQ FEET		
Current Zone District(s):	R-MU-30		
PROPOSAL			
Proposed Zone District:	C-MX-5		



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Denver, CO 80202

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REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria
DZC Sec. 12.4.10.13

- ☒ Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan

Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.

- ☒ Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

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

Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria
DZC Sec. 12.4.10.14

Justifying Circumstances - One of the following circumstances exists:

- ☐ The existing zoning of the land was the result of an error.
☐ The existing zoning of the land was based on a mistake of fact.
☐ The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
☒ The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area
☐ It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

Please provide an attachment describing the justifying circumstance.

- ☐ The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

Please provide an attachment describing how the above criterion is met.

ATTACHMENTS

Please check any attachments provided with this application:

- ☒ Authorization for Representative
☒ Proof of Ownership Document(s)
☐ Legal Description
☒ Review Criteria

Please list any additional attachments:

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Appendix Page 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Josie Q. Smith	01/01/12	(A)	NO
32nd and Blake Partners	730 17TH STREET #690 DENVER, CO 80202 720-838-8592 BEN@LOGOCOMEDIA.COM	84.97%	William D. Stanfill, Manager William D. Stanfill Robert J. Amter, Manager R. J. Amter	3/28/12	A	YES
Amter Family IRA, LLC	650 S Cherry St #1050 Denver, CO 80246 P: 303-393-0888 ben@logocomedia.com	15.03%	T. S. H., Manager	3/27/2012	A	YES

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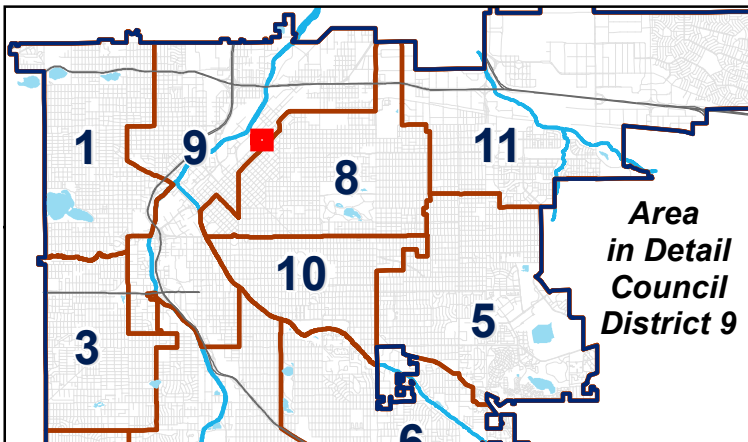
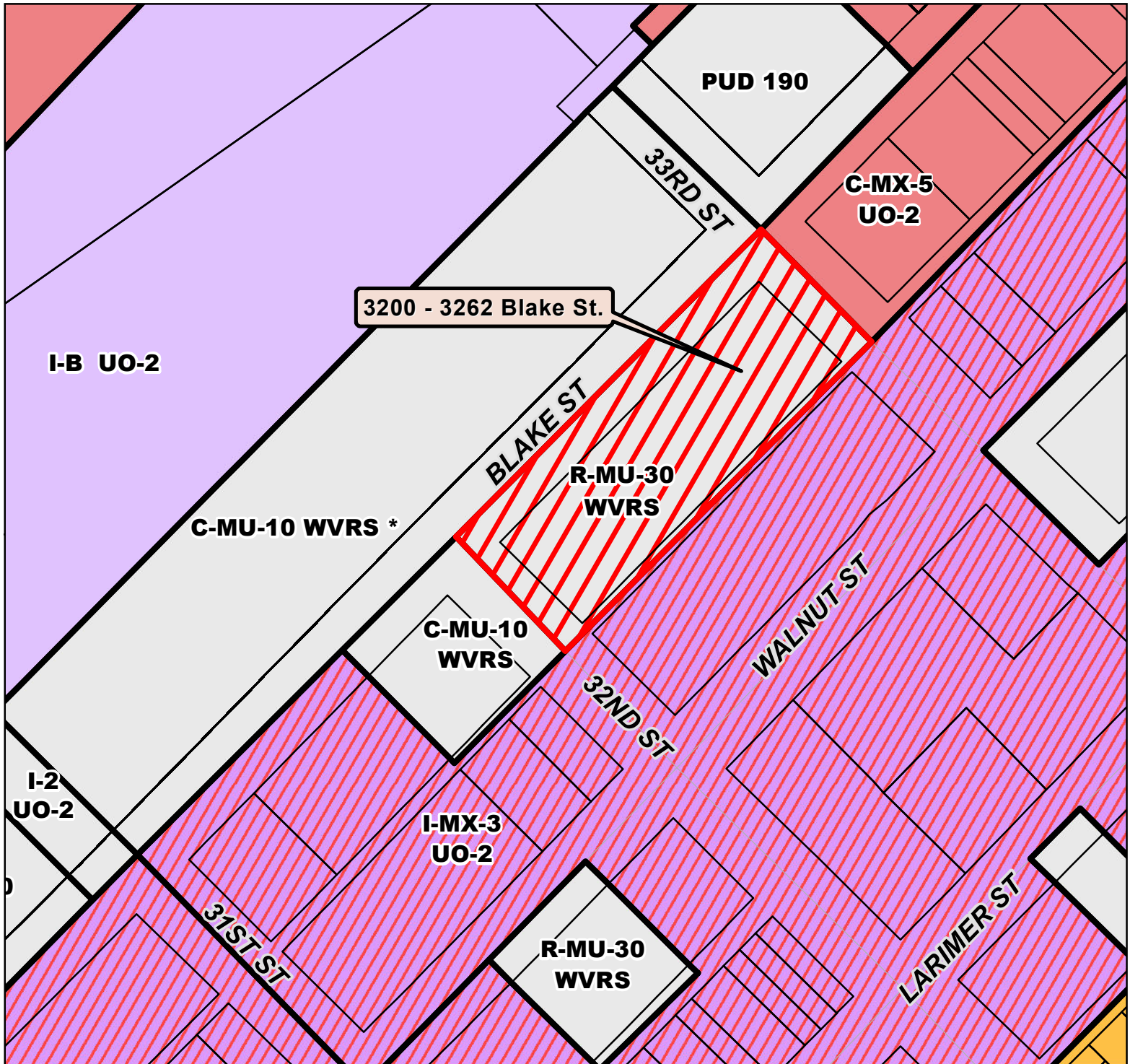
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Exhibit A

<u>Property Owner Name</u>	<u>Ownership Interest %</u>
32 nd and Blake Partners, LLC	84.97%
Amter Family IRA, LLC	15.03%

Pending Zone Map Amendment #2012I-00007



Application #2012I-00007

Location: 3200 - 3262 Blake St.



Proposed Rezoning
From: R-MU-30 WVRs
To: C-MX-5



0 100 200 400
Feet

Map Date: 3/3/12

Pending Zone Map Amendment - Aerial & Zoning Overlay



Application #2012I-00007



Aerial Photo: April 2010
Community Planning and Development

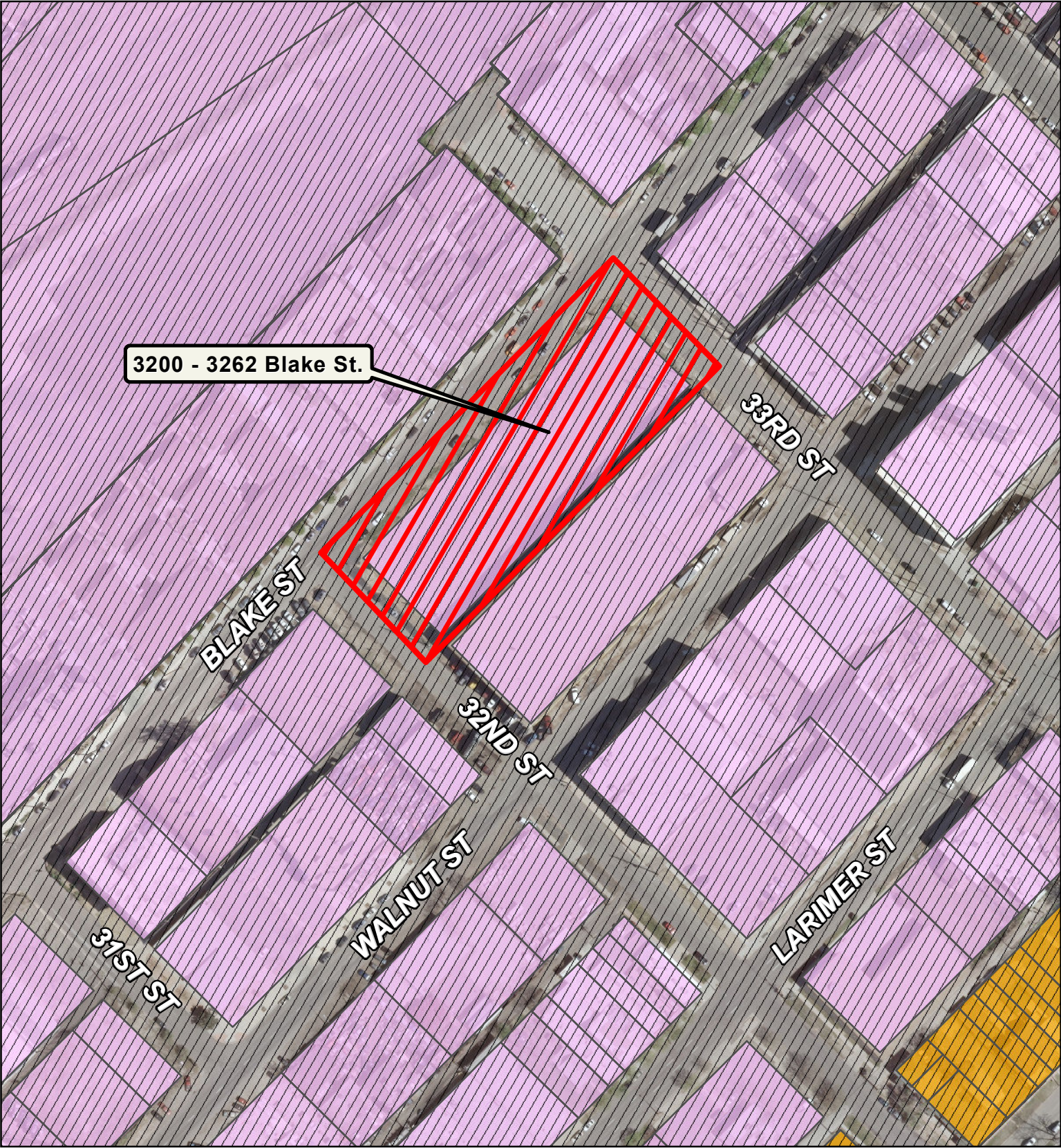
0 100 200 400 Feet

Map Date: 3/2/12




Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2012I-00007



 Mixed Use  Pending Zoning Amendment

 Urban Residential

 Area of Change -Full Extent of This Map

0 100 200 400 Feet



Map Date: 3/3/12