



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

**TO:** Denver Planning Board  
**FROM:** Brandon Shaver, Senior City Planner  
**DATE:** September 30, 2020  
**RE:** Official Zoning Map Amendment Application #2020I-00013  
2201 Arapahoe St  
Rezoning from PUD 570 to D-AS-12+

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00013.

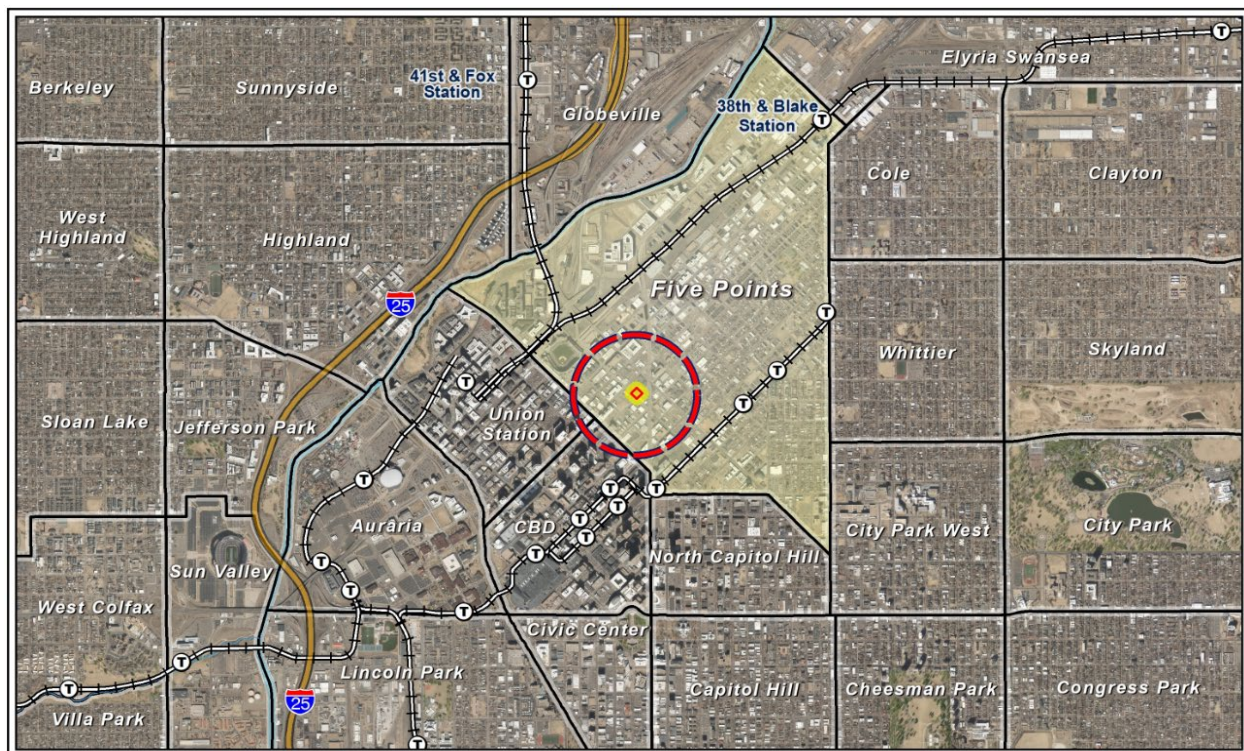
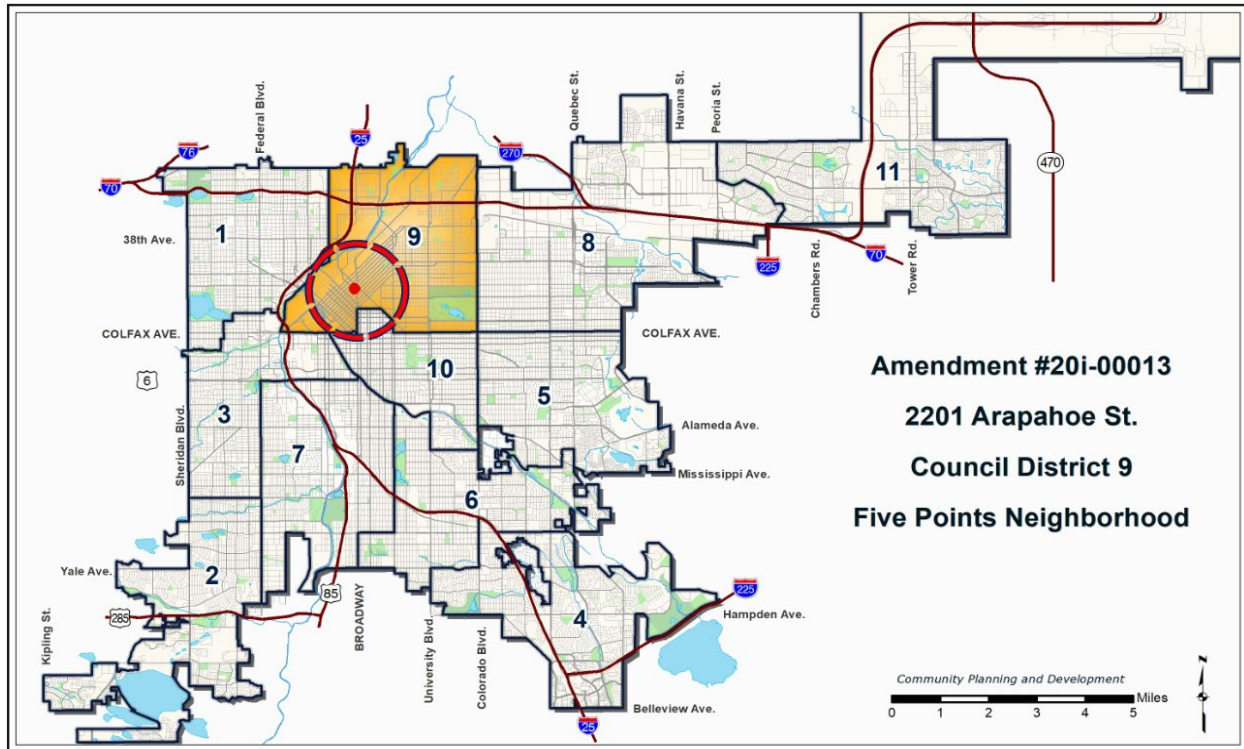
### **Request for Rezoning**

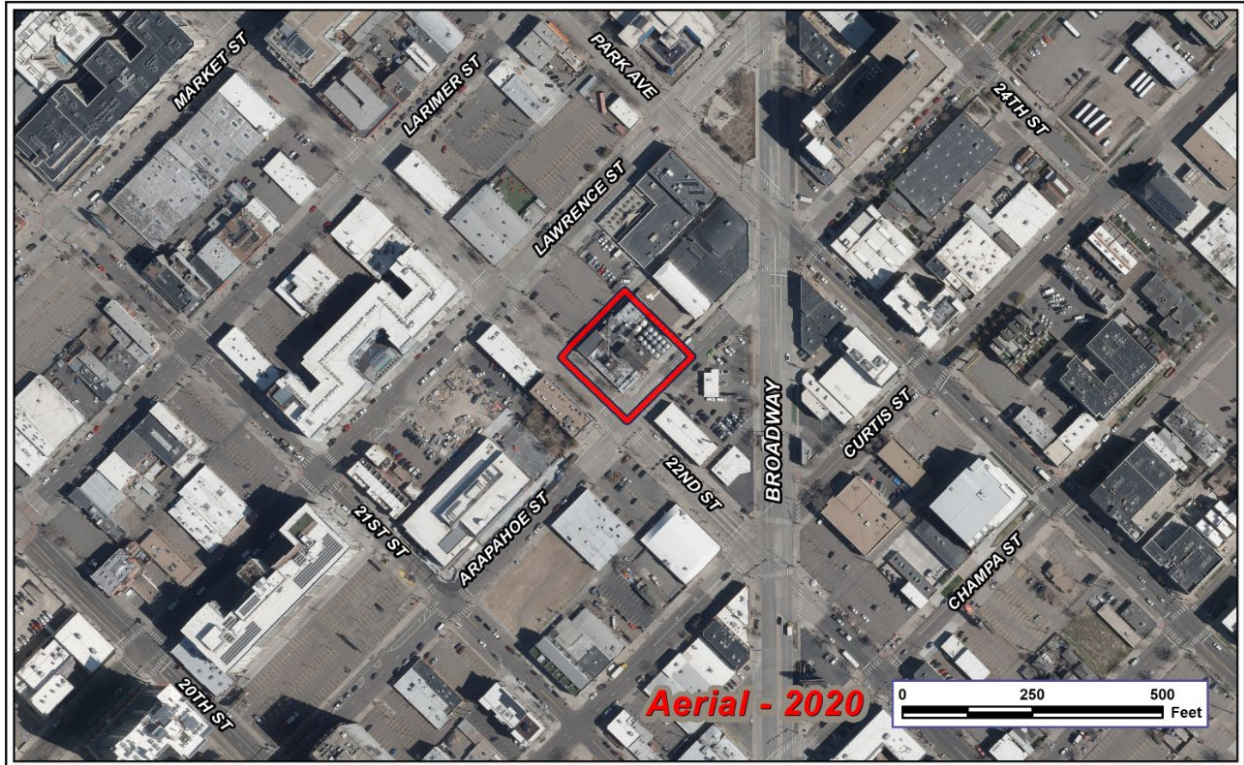
Address: 2201 Arapahoe St  
Neighborhood/Council District: Five Points / Council District 9  
RNOs: Inter-Neighborhood Cooperation (INC), Center City Denver Residents Organization, Opportunity Corridor Coalition of United Residents, The Points Historical Redevelopment Corp, Ballpark Collective, Curtis Park Neighbors, Northeast Denver Friends and Neighbors (NEDFANS), Rio Norte, UCAN, United Neighbors of Northeast Denver Residents (UNNDR)  
Area of Property: 18,893 square feet or 0.43 acres  
Current Zoning: PUD 570  
Proposed Zoning: D-AS-12+  
Property Owner(s): 2201 Arapahoe LLC  
Owner Representative: Brian Dunn

### **Summary of Rezoning Request**

- The property is in the Five Points statistical neighborhood at the northwest corner of 22<sup>nd</sup> and Arapahoe streets.
- The property, owned by 2201 Arapahoe LLC, is currently occupied by a brewing and distilling manufacturing facility and taproom.
- The applicant is requesting this rezoning to remove the PUD and return to the base zone district of surrounding properties.
- The proposed zone district, D-AS-12+, can be summarized as follows (see map below illustrating proposed zone district):
  - The D-AS-12+ zone district stands for **D**owntown, **A**rapahoe **S**quare, with a maximum height of 110, 150 or 250 feet (dependent on building form). The D-AS-12+ zone district is a mixed-use zone district that allows a wide range of uses with build-to and transparency requirements intended to promote active pedestrian environments.
  - Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 8 of the Denver Zoning Code (DZC).

## Existing Context





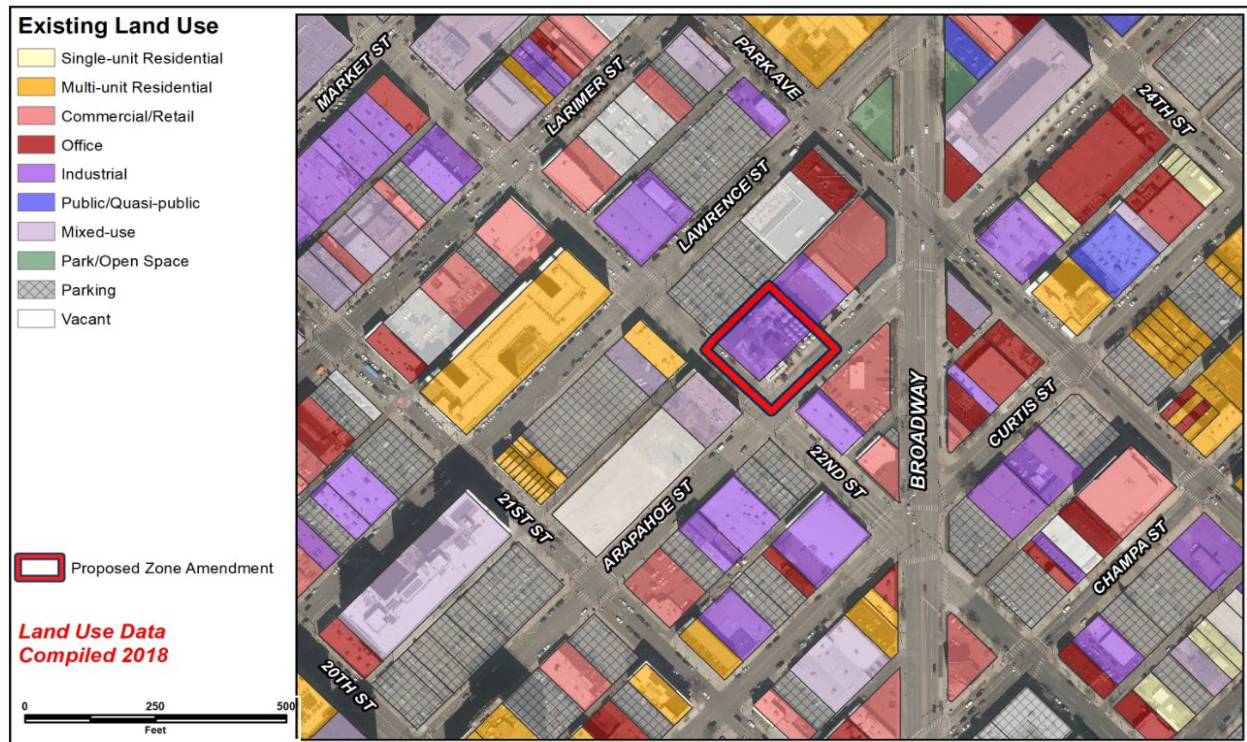
The subject property is located within the Five Points Neighborhood, at the northwest corner of 22<sup>nd</sup> and Arapahoe streets. Significant urban infill, nearby public investment and new zoning regulations for the surrounding area continue to suggest this area will become downtown’s next multi-modal neighborhood. The subject site has approximately 150 feet of frontage along Arapahoe Street. In addition to being within a 10-minute walk of the 20<sup>th</sup> & Welton light rail station, the subject property is served by RTD bus routes 8, 44 and 48 along Broadway.

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

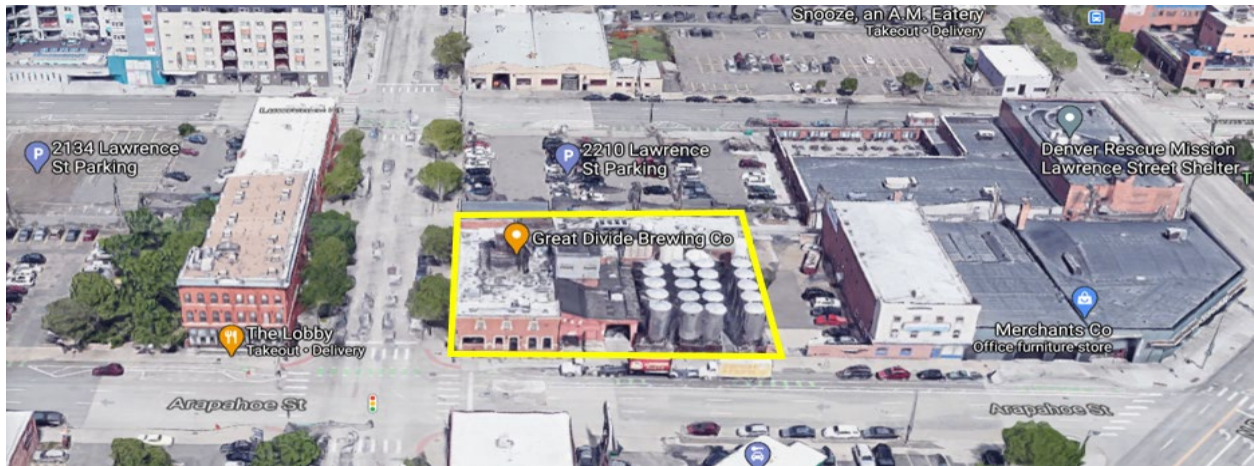


beverage, and wines, brandy and brandy spirits and distilled and blended liquors. This use can occur in a maximum of 15,800 square feet which is the total gross floor area of the existing building. Maximum areas of building coverage, drive aisles and parking and other impervious surfaces are detailed. Lastly, a maximum floor area ratio for the primary use is prescribed (0.841:1). A complete list of requirements can be found in the PUD attached to this staff report. D-AS-12+ zoning is mapped in all directions surrounding the subject property and was the result of a legislative rezoning approved in April 2016. More details on D-AS-12+ zoning can be found in the proposed zoning section of this staff report.

## 2. Existing Land Use Map



### 3. Existing Building Form and Scale



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



Site - from Arapahoe Street (Source: Google Maps)



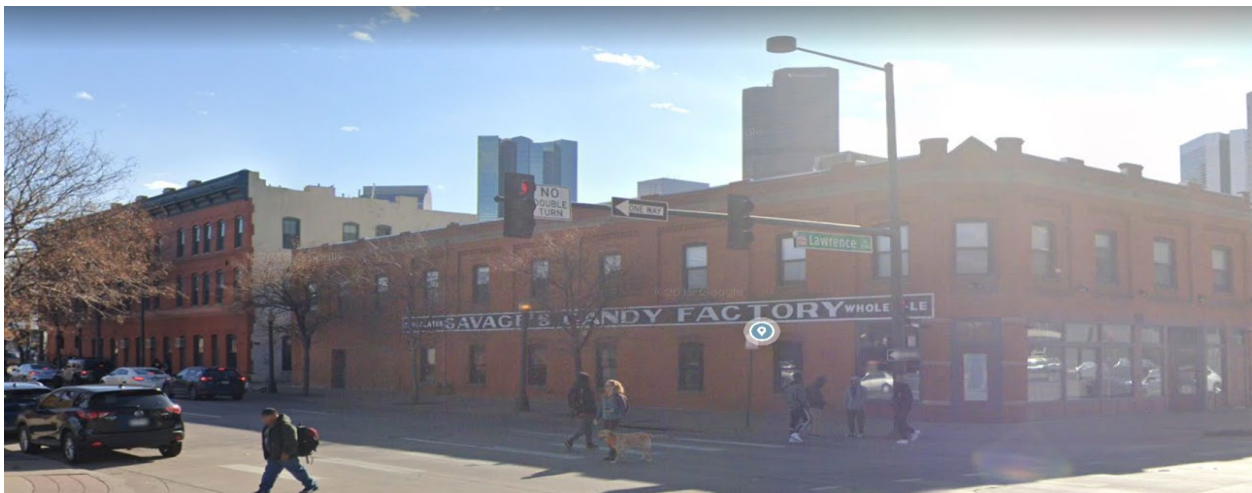
Site - from 22<sup>nd</sup> Street (Source: Google Maps)



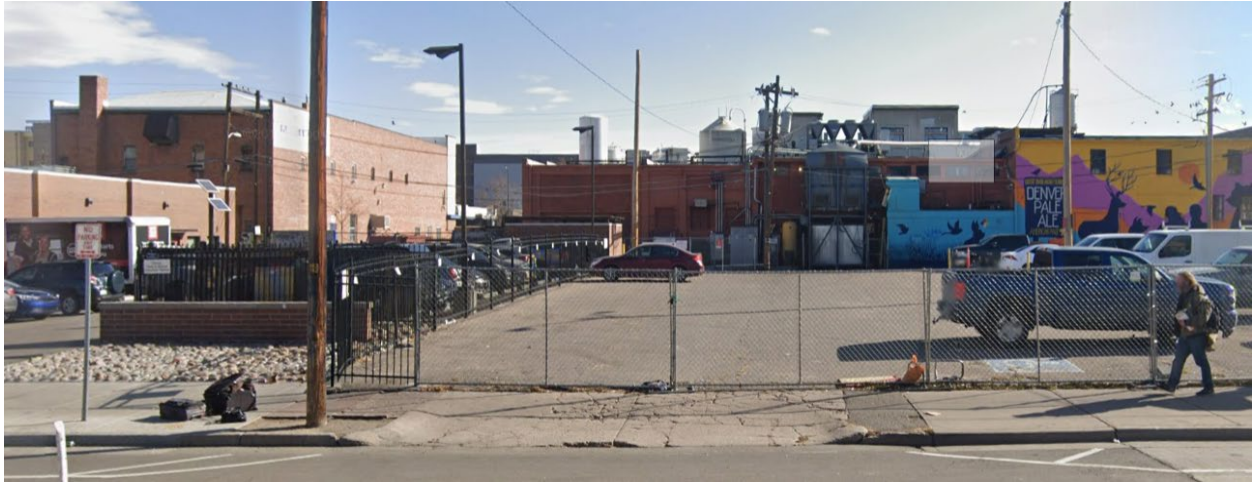
**Northwest** – from Arapahoe Street (Source: Google Maps)



**Southeast** – from Arapahoe Street (Source: Google Maps)



**Southwest** – from Lawrence Street (Source: Google Maps)



Northwest – from Lawrence Street (Source: Google Maps)

## Proposed Zoning

### D-AS-12+ Zone District

The requested D-AS-12+ zone district has a maximum height of 110, 150 or 250 feet (depending on building form) with allowable encroachments. Additional height is allowed in return for either wrapped parking structures or utilizing the point tower building form. A mix of residential and commercial uses are allowed. For additional details regarding building form standards in the D-AS-12+ districts, see DZC Section 8.8.3.3.

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

Design Standards	PUD 570	D-AS-12+ (Proposed)
Primary Building Forms Allowed	N/A	General; General with Height Incentive; Point Tower
Height in Stories / Feet (max)	NA/200'	8/110' – General NA/150' – General with Height Incentive NA/250' – Point Tower
Primary Street Build-To Percentages (min)	N/A	70%
Primary Street Build-To Ranges	N/A	0' to 15' 0' to 20' – Residential only buildings
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	0'	0'
Building Coverage	0.841:1 FAR	N/A



## **Design Standards and Guidelines**

The Arapahoe Square Design Standards and Guidelines were adopted in 2016, amended in 2019, and would apply to new development on the subject site. These enhanced zoning standards are intended to promote a vibrant sense of place, encourage an active pedestrian environment, define a unique future character for the area, create an interconnected district with fluid transitions and further social, economic and environmental sustainability. The Downtown Design Advisory Board offers guidance on new projects and major exterior building and site improvements through a stringent design review process.

## **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 – No comments

**Denver Parks and Recreation:** Approved – No response

**Public Works – R.O.W. - City Surveyor:** Approved – See comments below

Lots 17 to 22 inclusive, Block 82, East Denver

**Development Services - Transportation:** Approved – No response

**Development Services – Wastewater:** Approved – See comments below

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Development Services – Project Coordination:** Approved – No comments

**Development Services – Fire Prevention:** Approved – No comments

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>4/17/20</b>
Applicant submitted revised application	<b>7/21/20</b>
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:	<b>9/22/20</b>
Planning Board Public Hearing	<b>10/7/20</b>
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):	<b>10/13/20</b>
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	<b>10/27/20</b>
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):	<b>11/16/20</b>
City Council Public Hearing (tentative):	<b>12/7/20</b>

**Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**  
 As of the date of this report, staff has received one written comment from an RNO pertaining to this application.
  - Ballpark Collective
- **Other Public Comment**  
 As of the date of this report, staff has received eight (8) written public comments pertaining to this application.
  - All letters received are in support of the proposed rezoning

**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)*
- *Northeast Downtown Neighborhoods Plan (2011)*
- *Downtown Area Plan (2007)*

***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 expansion of current use and a new mixed-use development, including an increase in allowed housing density. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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 D-AS-12+ zoning designation would allow for a broader variety of uses including housing, retail services, and will require enhanced building forms at an intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around transit, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- 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:

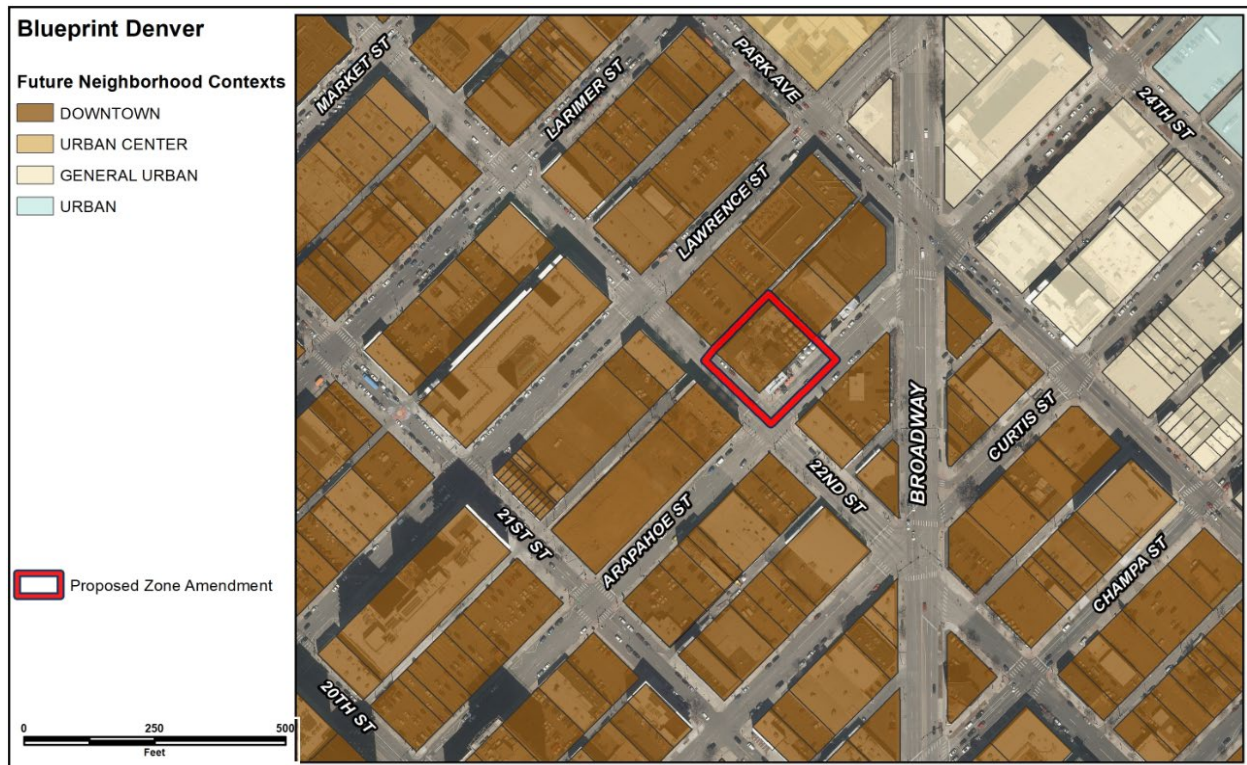
- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- 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 a High Residential Area within the Downtown Neighborhood 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 Downtown Neighborhood Context. “This context is the densest and most active. It contains the highest intensity residential and includes the largest employment center in Denver” (p. 265). The proposed D-AS-12+ zone district is part of the Downtown context and is “give prominence to the pedestrian realm as a defining element of neighborhood character” (DZC 8.8.1).

As the subject property is adjacent to downtown Denver with good access to transit, the requested zone district is appropriate and consistent with the intent of the neighborhood contexts map in the plan.

### **Blueprint Denver Future Places**



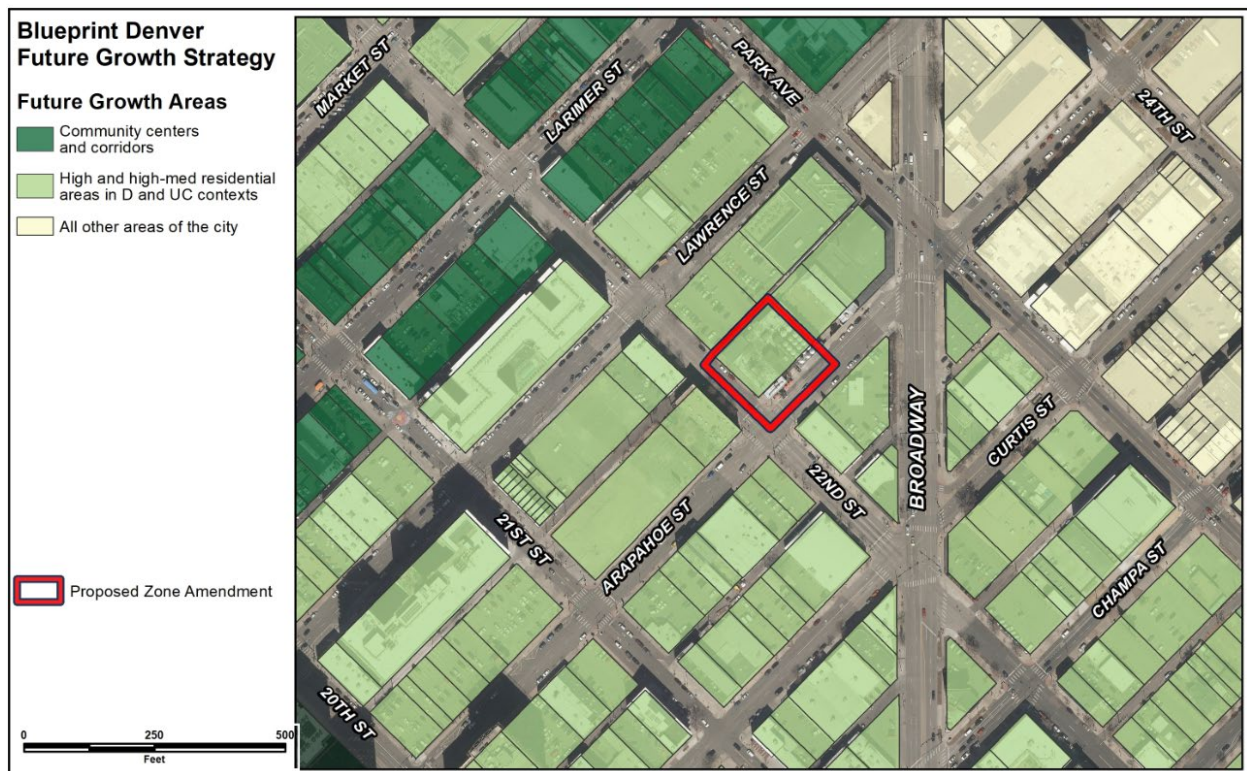
The Future Places map shows the subject property as part of a “High Residential Area”. *Blueprint Denver* describes these areas as having “a high mix of uses throughout, including high density multi-unit residential, commercial, civic and institutional uses. The downtown residential areas are distinguished from the downtown regional center by their land use mix being slightly more multi-unit residential in nature. The most intense and greatest heights are found downtown with very high lot coverage and active uses” (p. 274).

The proposed rezoning to D-AS-12+ is appropriate and consistent with the “High Residential Area” plan direction and will foster a better balance of residential and employment uses than the current zoning allows.

### Street Types

Blueprint Denver 2019 classifies both 22<sup>nd</sup> and Arapahoe streets as Downtown Arterials. These streets are “surrounded by the most intense land uses including hotels, street level retail and office, residential and mixed-use towers with a high focus on pedestrian and bike connectivity” (p. 158). Arterial streets are designed for the highest degree of through movement. The proposed D-AS-12+ zone district allows a broad range of residential and commercial land uses with a shallow front setback and allows the intense land uses anticipated for this street type. Therefore, the district is consistent with the downtown arterial street types at this location.

### Growth Strategy



Blueprint Denver designates the subject property as part of a High Residential Area in a Downtown neighborhood context. High and High Medium Residential Areas in Downtown and Urban Center neighborhood contexts are anticipated to see 15% of new housing growth and 5% of new employment growth by 2040 (p. 50- 51). Focusing growth in these areas helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to D-AS-12+ will allow for continued employment and residential growth in a High Residential Area where it has been determined to be most appropriate. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

### **Additional Applicable Strategies**

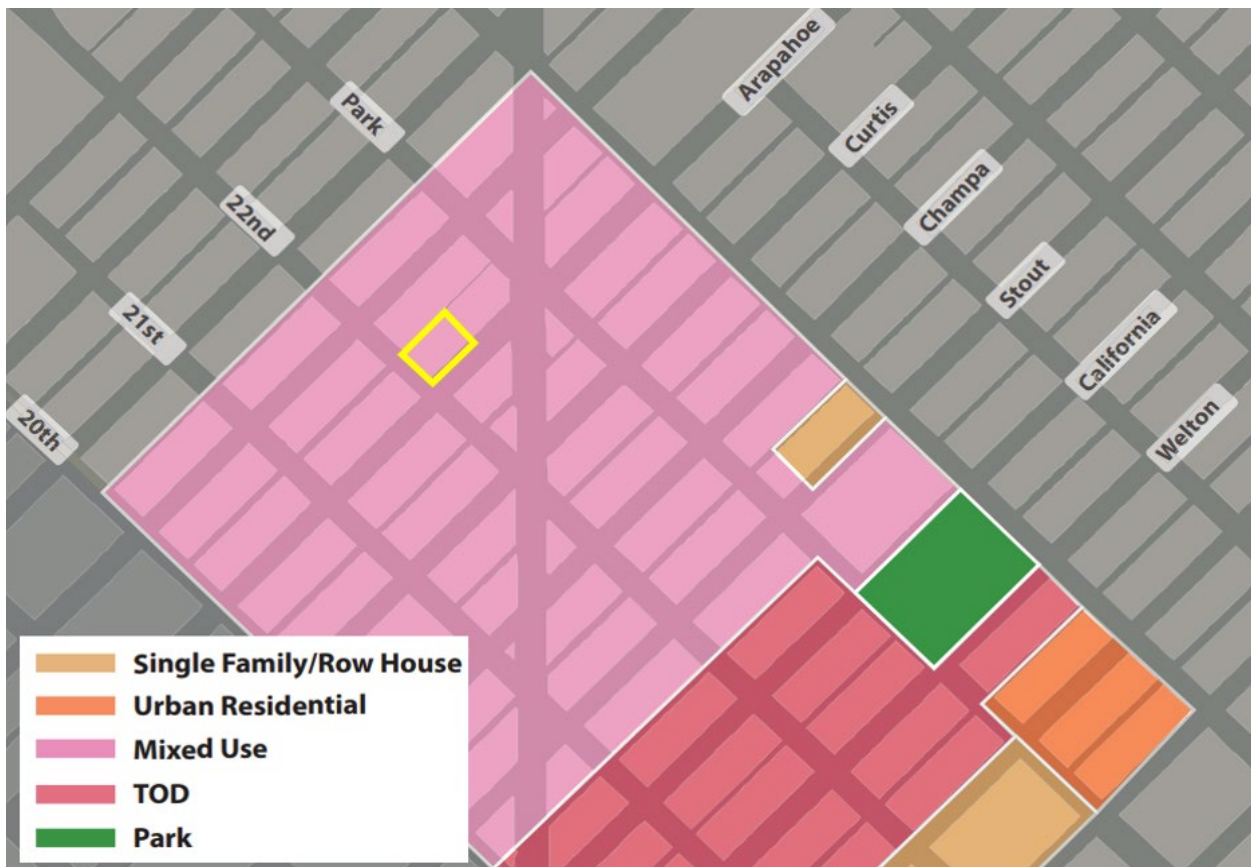
The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code (p. 73).*
- Land Use and Built Form – Economics Policy 6, Strategy A – *Support locally-owned businesses – new and old – to expand and evolve to meet the changing needs of residents and visitors (p. 93).*

The proposed map amendment is consistent with these strategies as it would allow for the expansion of a locally owned business and the rezoning from Former Chapter 59 to Denver Zoning Code will allow developers to enjoy the benefits of modern zoning code regulations.

### ***Northeast Downtown Neighborhoods Plan (2011)***

This neighborhood plan was adopted by City Council in 2011 and applies to the subject property. It designates the area mixed-use with a 12\*-story maximum. Mixed Use areas are described in the plan as having both a sizable employment base as well as a variety of mid to high density housing options. These areas also place importance on pedestrian access and ensuring that residential and non-residential uses are always within short walking distances from one another. Related to the maximum building heights map, the plan recommends this area for point towers of up to 20 stories in height.





The application of D-AS-12+ is consistent with the goals and objectives of the Northeast Downtown Neighborhoods Plan, including: “promote urban character with a build-to line to provide a consistent street edge and to support pedestrian activity. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation, and access to the street” (p. 74). The building form standards of the requested zone district and supplemental design standards and guidelines will accomplish these goals.

#### ***Downtown Area Plan (2007)***

The Downtown Area Plan, adopted in 2007, contains goals related to the subject site. The plan states, “Arapahoe Square holds vast unrealized potential. Its proximity to other Downtown districts and the historic neighborhoods to the northeast makes it an ideal location for a greater range and greater density of uses” (p. 57). It recommends small area plans and improvements to the pedestrian realm to reinvigorate and revitalize the neighborhood. As the proposed zone district will allow for a greater mix of uses and require building forms that contribute to good street activation and pedestrian connectivity, it is consistent with the Downtown Area Plan.



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

The proposed rezoning to D-AS-12+ 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 and foster the creation of a walkable, urban area within walking distance to downtown and mass 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 Circumstance**

The application is justified by DZC section 12.4.10.8.A.4.c., *"That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 Zoning"*. The current zoning (PUD 570) was put in place in 1995 and as such, the property does not enjoy the flexibility offered by the modern, form and context-based Denver Zoning Code.

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

As described in the Denver Zoning Code, the General Character of the Downtown (D-) district will include "a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses". It is also described as follows: "Throughout the context, residential and nonresidential buildings tend to have similar forms, most often that of the Apartment or General Commercial Building Forms". Further, the Denver Zoning Code describes mobility in the Downtown context as "the highest priority is given to the pedestrian, transit, and alternative modes of transportation. The Downtown context is the center of the Denver region multi-modal transit transportation system".

According to the zone district intent stated in the Denver Zoning Code, the D-AS-12+ district applies to mixed-use areas within the Arapahoe Square neighborhood that are adjacent to the Downtown Core and provides a cohesive, connected and pedestrian friendly transition to the Downtown Core and the D-AS-12+ district. Typical building heights range from 8 to about 12 stories, with the Point Tower building from providing an opportunity for building heights of about 20 stories in a slender tower (DZC Section 8.2.2.2.F). The site is served by downtown arterial streets. Thus, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

## **Attachments**

1. Rezoning application
2. PUD 570