Community Planning and Development
Planning Services

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

DENVER
THE MILE HIGH CITY

TO: Land Use, Transportation, and Infrastructure Committee of the Denver City Council
FROM: Scott Robinson, Senior City Planner
DATE: October 17, 2019
RE: Official Zoning Map Amendment Application #2018I-00150

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00150.

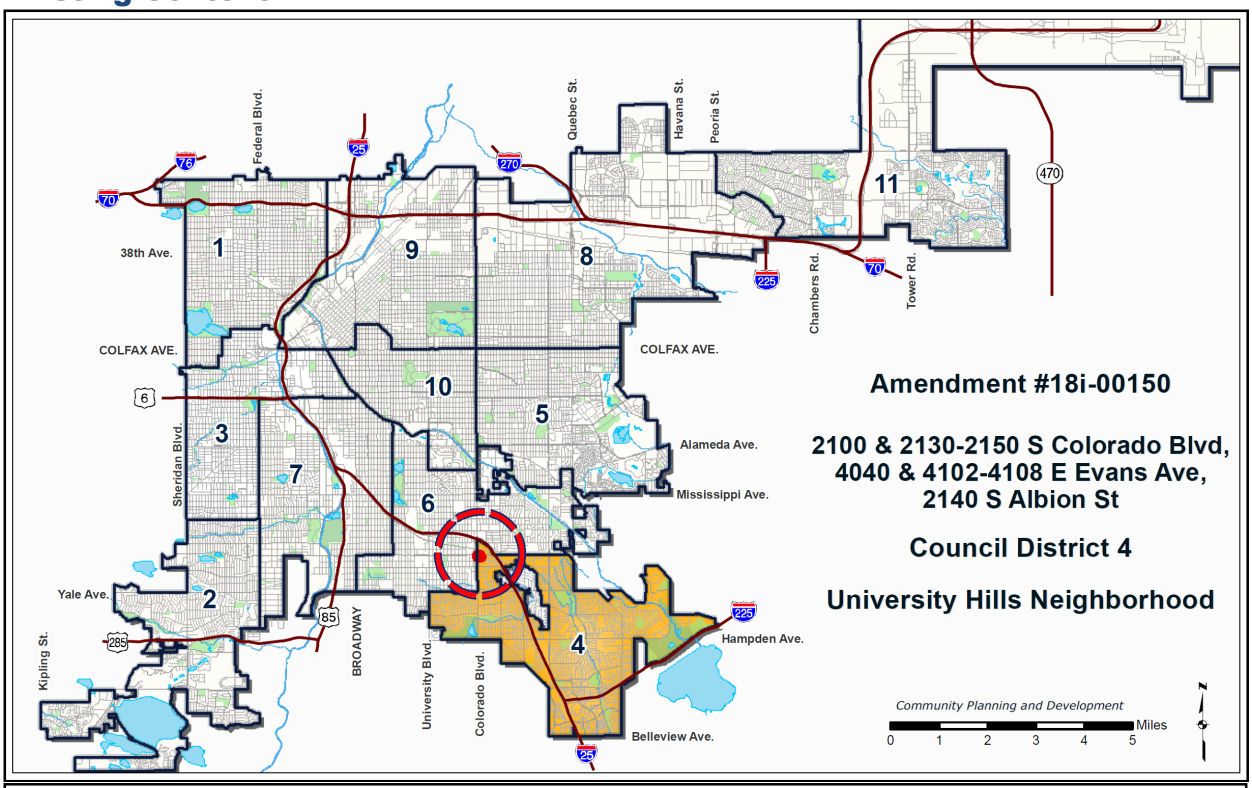
Request for Rezoning

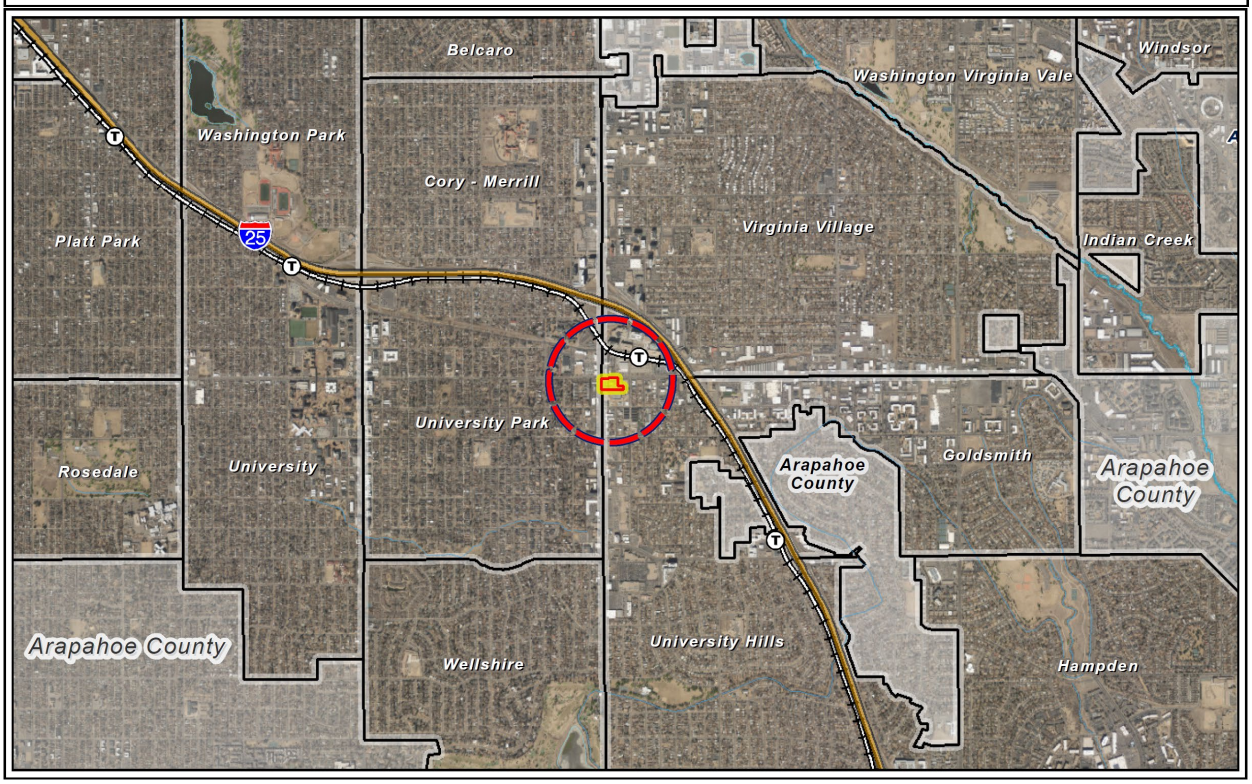
Address:	2100 & 2130-2150 S. Colorado Blvd., 4040 & 4102-4108 Evans Ave., and 2140 S. Albion St.
Neighborhood/Council District:	University Hills / Council District 4
RNOs:	University Hills North Community, University Park Community Council, Southside Unified, Virginia Village/Ellis Community Association, Inter-Neighborhood Cooperation (INC)
Area of Property:	1.77 acres
Current Zoning:	C-MX-5 and C-MX-5 UO-1, UO-2
Proposed Zoning:	C-MX-12
Property Owner(s):	Sandy Hecomovich
Owner Representative:	Vinny English, Q Factor Solutions

Summary of Rezoning Request

- The subject property is in the University Hills neighborhood near the RTD Colorado Station, west of Interstate 25 at the southeast corner of the intersection of S. Colorado Boulevard and Evans Avenue.
- There is currently one commercial/retail building on site as well as two billboards.
- The applicant is requesting the rezoning to redevelop the site.
- The C-MX-12 (Urban **C**enter, **M**ixed Use, **12** story) zone district allows a wide range of commercial, civic/institutional, and residential primary uses in the General, Shopfront, and Town House building forms. Drive Thru building forms would not be allowed at the subject location because it is less than ¼-mile from the Colorado Station transit station. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 7 of the Denver Zoning Code (DZC).
- The UO-1 Adult Use Overlay and UO-2 Billboard Overlay would both be removed from the property.

Existing Context





The subject property is located in the University Hills neighborhood, at the southeast corner of the intersection of S. Colorado Boulevard and Evans Avenue. The Colorado Station transit station is about 1,000 feet to the northeast, and there is RTD bus service on Evans Avenue and Colorado Boulevard. The city recently purchased land a few blocks to the east on the south side of Warren Avenue for a new park that has not been constructed yet. The property is part of a corridor of mixed commercial uses (restaurant, retail, office, etc.) along S. Colorado Boulevard south of the Colorado Center development. There is a new five-story apartment building immediately to the south of the subject property.

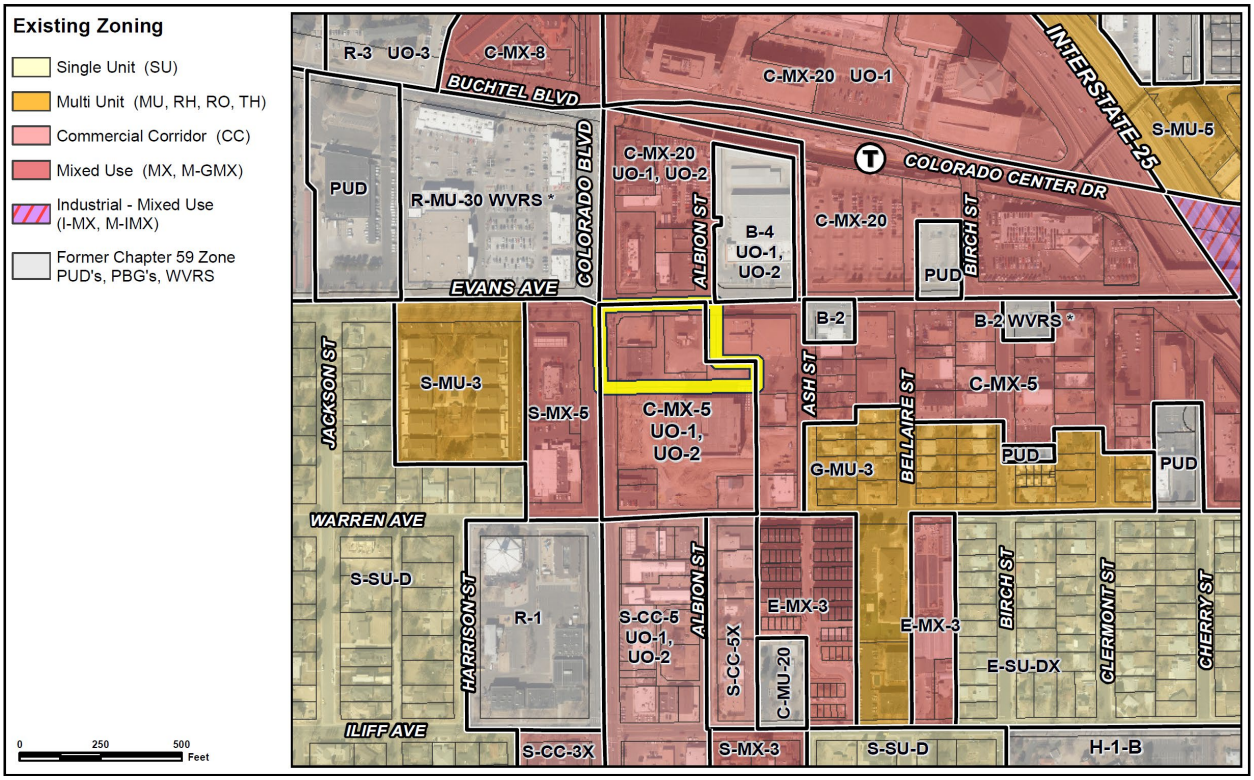
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	C-MX-5 UO-1, UO-2, C-MX-5	Commercial/Retail (Dry Cleaners and Liquor Store)	1-story commercial structure with large surface parking lot	Semi-regular grid of streets interrupted to the north by Evans Ave. and to the east by Interstate 25. Block sizes and shapes are somewhat consistent and rectangular, though some north-south streets do not go through, resulting in some larger blocks. Vehicle parking in front of buildings (no alley access).
North	C-MX-20 UO-1, UO-2	Commercial/Retail (Drive-Thru Restaurant and Auto Service)	1-story auto service business and drive thru restaurant with large surface parking lot	
South	C-MX-5 UO-1, UO-2	Multi-Unit Residential	5-story residential building	
East	C-MX-5	Office	2-story office building with surface parking lot	
West	S-MX-5	Commercial/Retail (Drive-Thru Restaurant and Auto Service)	1-story auto service business and drive thru restaurant with large surface parking lot	

1. GDP

The subject property is part of the Colorado Station General Development Plan (GDP), approved in 2008. The property is in Development Area 2 of the Secondary GDP Area, which is intended as "primary land use is office due to proximity to major travel corridors." The GDP anticipates building heights of one to six stories and ground-floor retail uses. However, the GDP also states "this GDP is a framework plan only and does not specifically allocate building height, mix of uses or density of the development. Changes to these items will not require any amendment, minor or major, to this GDP."

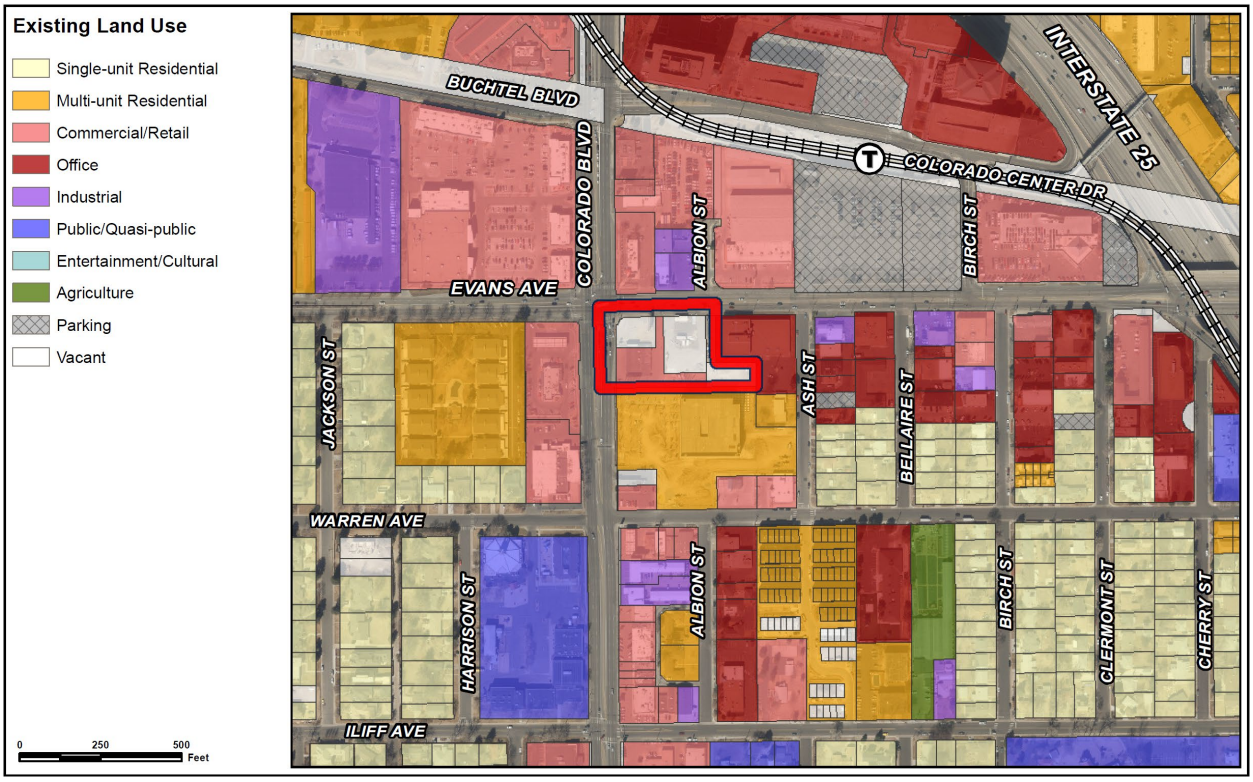
2. Existing Zoning



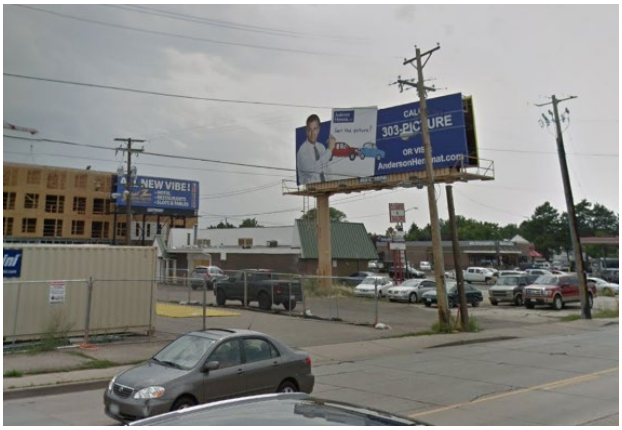
The majority of the subject property is zoned C-MX-5 UO-1, UO-2, with a small portion on the east side zoned just C-MX-5. C-MX-5 is a mixed-use zone district in the Urban Center context. It allows primary structures in the Town House, Drive Thru Services, Drive Thru Restaurant, General, and Shopfront building forms up to five stories and between 45 and 70 feet in height. However, the Drive Thru Services and Drive Thru Restaurant building forms would not be allowed at this location because it is less than ¼-mile from the Colorado Station transit station. Primary street setbacks are block sensitive, and other setbacks range from 0 to 10 feet. A broad range of commercial, residential, and civic uses are allowed.

The UO-1 is the Adult Uses Overlay which permits certain adult oriented uses on zone lots where the overlay is applied. The UO-2 is the Billboard Use Overlay which permits the continued use of existing billboards on certain zone lots and the potential establishment of billboards on zone lots where the entitlement is applied. The applicant is proposing the removal of both overlays as part of their rezoning request. Staff has evaluated the proposal to remove the UO-1 overlay and determined there will be sufficient remaining land in the city for first amendment-protected uses, so the city has no objection to removing the UO-1 in this instance. Removal of the UO-2 overlay will allow the existing billboards on the property to be maintained indefinitely, but they cannot be replaced if torn down and new billboards cannot be added to the property.

3. Existing Land Use Map

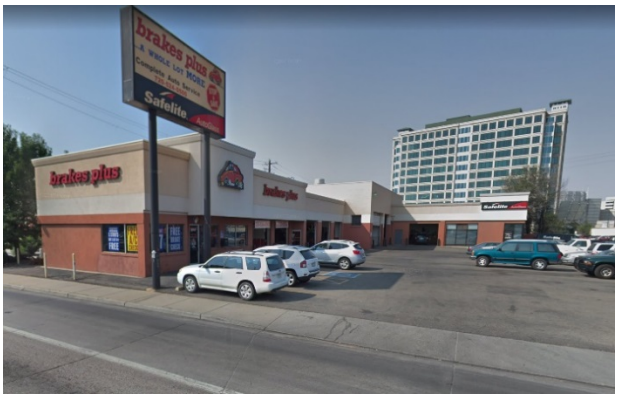


4. Existing Building Form and Scale

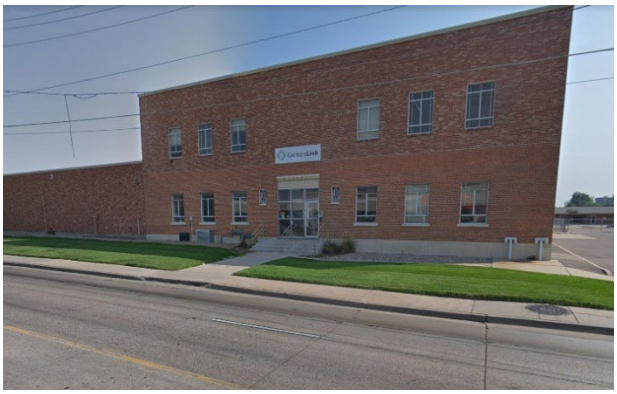


Site – *from S. Colorado Blvd & Evans Ave.*

Site – *from Evans Ave. and S. Albion St.*



North – *from Evans Ave.*



East – *from Evan Ave.*

South – *from S. Colorado Blvd.*
Source: Google Maps

West – *from S. Colorado Blvd.*

Proposed Zoning

The requested C-MX-12 zone district allows the Town House, Drive Thru Services, Drive Thru Restaurant, General, and Shopfront building forms with a maximum height in feet of 150' with allowable encroachments. However, because the subject property is less than ¼-mile from the Colorado Station transit station, the Drive Thru building forms would not be allowed. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and commercial uses are allowed. For additional details of the requested zone district, see DZC Article 7.

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

Design Standards	C-MX-5 (Existing)	C-MX-12 (Proposed)
Primary Building Forms Allowed	Town House, Drive Thru Services*, Drive Thru Restaurant*, General, Shopfront	Town House, Drive Thru Services*, Drive Thru Restaurant*, General, Shopfront
Height in Stories/Feet (max)	5/45'-70'**	3-12**/45'-150'**
Primary Build-To Percentages (min)	50-75%**	50-75%**
Primary Build-To Ranges	0'-10' to 5'-15'**	0'-10' to 5'-15'**
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	0'-10'**	0'-10'**
Building Coverages	N/A	N/A

*Building form not allowed within a ¼ mile of a transit station platform
**Standard varies between building forms

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 Response

Denver Parks and Recreation: Approved – No Response

Public Works – R.O.W. - City Surveyor: Approved – No Comments

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – No response

Development Services – Project Coordination: Approved – No response

Development Services – Fire Prevention: Approved – No response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	4/9/19
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:	9/16/19
Planning Board recommended approval by a 7-1 vote:	10/2/19
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:	10/7/19
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	10/22/19
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):	11/8/19
City Council Public Hearing (tentative):	12/2/19

The delay between the notice of receipt of the application and the scheduling of Planning Board was requested by the applicant to negotiate a potential development agreement related to building design elements. Ultimately it was determined these elements were better suited to a good neighbor agreement between the applicant and the neighborhood.

- **Registered Neighborhood Organizations (RNOs)**
  - To date, the city has received 2 RNO letters in support of the proposed rezoning.
    - University Hills North Community supports the rezoning based on the Good Neighbor Agreement they have negotiated with the applicant.
    - University Park Community Council's support is conditional depending on the specifics of the development.

- **Other Public Comment**
  - To date, the city has received 32 letters of support for the proposed rezoning. These letters are attached to this staff report for reference.
    - The public comments received have expressed support for the rezoning due to the improvements to the public realm and urban design that the change in zone district will provide at the corner of Evans and S. Colorado Blvd.

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)
- *Colorado Boulevard Plan* (1991)
- Colorado Station General Development Plan

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable, and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use development* (p. 28).
- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors* (p. 34).
- 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).

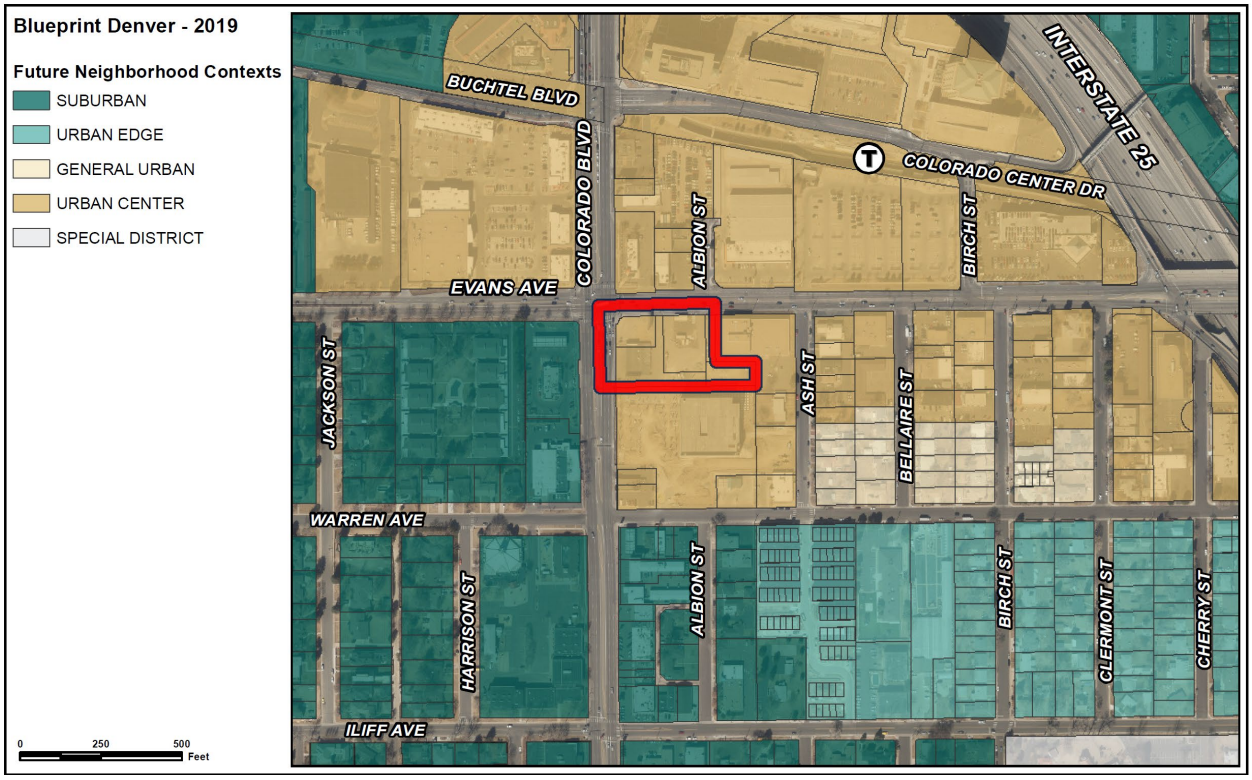
- Connected, Safe, and Accessible Places Goal 8, Strategy B – *Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership* (p. 42).
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure 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 near transit where infrastructure is already in place. The requested C-MX-12 zone district broadens the variety of uses allowing residents to live, work and play in an area served by transit. Therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

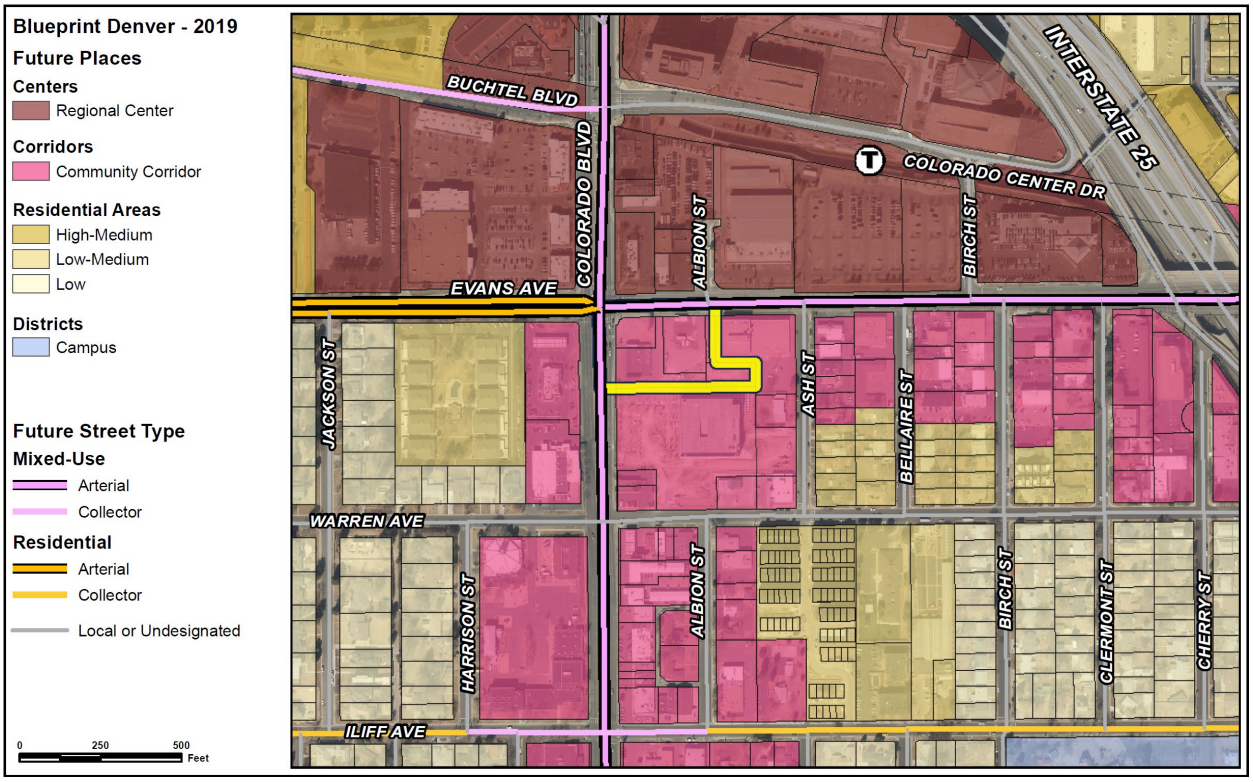
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Community Corridor place within the Urban Center Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver **Future Neighborhood Contexts**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Urban Center neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban Center neighborhood context is described as containing "high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity" (p. 252). The proposed C-MX-12 zone district is part of the Urban Center context and is "intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge" and "the Mixed-Use districts are focused on creating mixed, diverse neighborhoods" (DZC 7.2.2.1). Since the proposed district allows a substantial mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

***Blueprint Denver* Future Places**

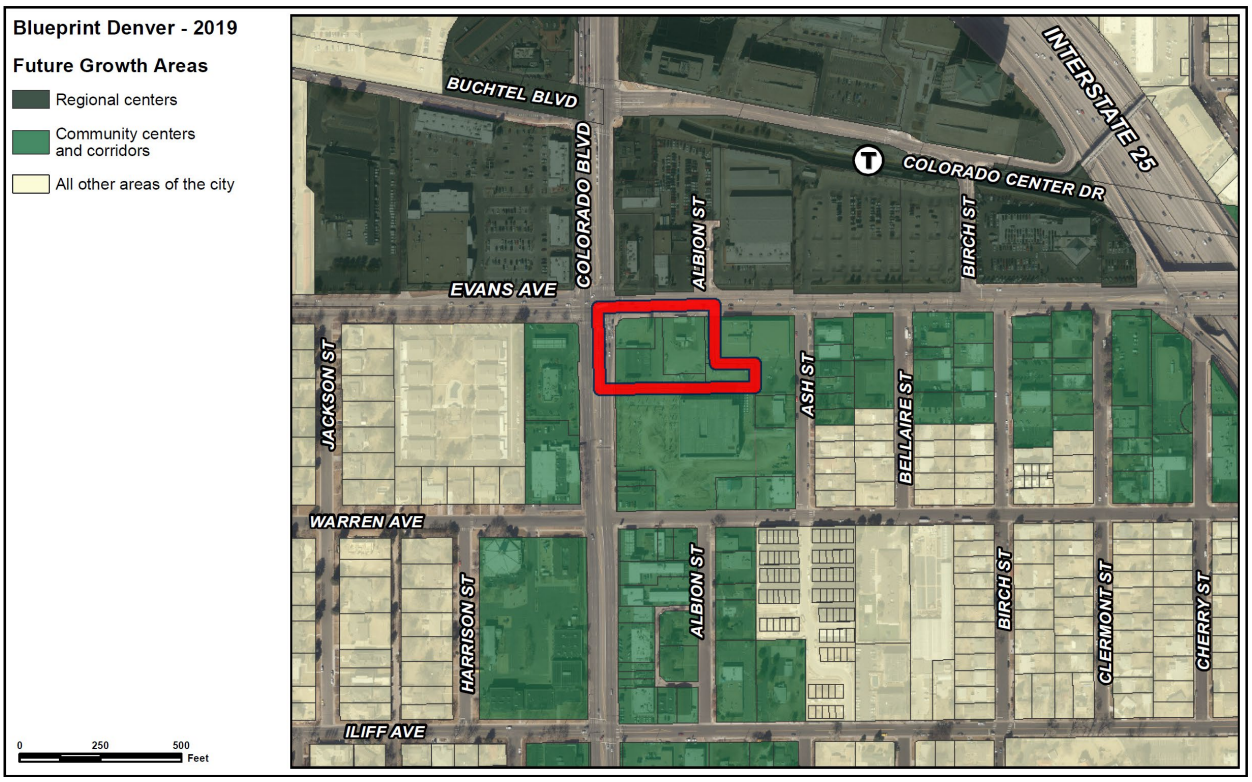


The neighborhood context of Urban Center provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Community Corridor. *Blueprint Denver* describes the aspirational characteristics of Community Corridors in the Urban Center context as, "Typically provides a mix of office, commercial and residential uses…. Buildings have a distinctly linear orientation along the street. Building footprints are typically larger. Heights are generally up to 8 stories. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas" (p. 258). The proposed district of C-MX-12 provides a wide range and mix of uses in a pedestrian-oriented building form, consistent with place recommendations of *Blueprint Denver*.

While the future proposed height of up to 12 stories is greater than the general recommendation in the place description, p. 66 of *Blueprint Denver* specifically states that the "building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. For example, there may be times when building heights taller than specified are appropriate, such as a site immediately adjacent to a transit station." *Blueprint Denver* p. 66 elaborates further stating that "factors to consider when applying *Blueprint Denver* building height guidance may include: guidance from a current small area plan; surrounding context, including existing and planned building height; transitions, including transitions from higher intensity to lower intensity areas; adjacency to transit, especially mobility hubs; achieving plan goals for community benefits, including affordable housing; and furthering urban design goals." The area plan for the subject property does not provide clear height guidance and was adopted in 1991 (see discussion below) and the rezoning request does not include guarantees on

community benefits or improved urban design. However, the proposed C-MX-12 zoning would provide a transition between the 20-story zoning north of Evans Ave. and the 5-story zoning to the south of the site. Additionally, the site is adjacent to the Colorado Station transit station, and at the intersection of two major arterials, both with current bus service and plans for enhanced transit service (see below). Given the subject property's proximity to taller planned building heights and transit service and major arterial streets, and that the proposed zoning would serve as a transition, the proposed C-MX-12 zone district is consistent with the height recommendations of *Blueprint Denver*.

<u>Growth Strategy</u>



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of a Community Corridor. Community Centers and Corridors are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). "Focusing growth in centers and corridors 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 C-MX-12 will focus mixed-use growth to a Community Corridor where it has been determined to be most appropriate. Access to jobs, housing, and services can improve in the mixed-use zone districts, and this site has access to light rail and bus transit.

Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Evans Ave. and S. Colorado Blvd. as Mixed-Use Arterials.

Blueprint Denver states "Arterial streets are designed for the highest amount of through movement and the lowest degree of property access" (p. 154). Mixed Use streets are intended for a "varied mix of uses including retail, office, residential, and restaurants, typically multi-story, usually with high building coverage with a shallow front setback" (p. 159). The proposed C-MX-12 zone district would allow multi-story mixed-use development with a shallow front setback along Colorado Blvd. and Evans Ave., consistent with the Mixed-Use Arterial street type description.

Strategies

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

- Land Use and Built Form: General Policy 1, Strategy A – *Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including:… Community corridors where transit priority streets are planned* (p. 72).

The proposed C-MX-12 zoning would allow higher-density mixed-use development in an area served by transit. In addition, *Blueprint Denver* designates Colorado Blvd. a High-Capacity Transit Corridor and Evans Ave. a Medium-Capacity Transit Corridor (p. 179). *Blueprint Denver* p. 66 mentions that adjacency to transit, especially mobility hubs, should be taken into consideration when a rezoning request is made for greater height entitlement than what the place types generally recommend. The site's proximity not only to the Colorado Center station, but its location on two mixed-use arterials that are identified in *Blueprint Denver* as appropriate for enhanced transit service makes this site an appropriate location to increase height above what *Blueprint Denver* generally recommends for the Future Context and Place. Therefore the proposed rezoning to C-MX-12 is consistent with the policies, context, place, growth strategy, and street type recommendations of *Blueprint Denver*.

Colorado Boulevard Plan

The Colorado Boulevard Plan was developed jointly by Glendale and Denver in 1991 to achieve the vision of the corridor through three goals including a) improving traffic flow and safety, b) taking action to retain a broad mix of land uses that are a good neighbor to existing uses and c) defining and reinforcing the unique image of the corridor and ensuring that new development has little or no adverse impacts on adjacent uses (p. 3).

The plan sets out two land use goals:

1. *"Continue an appropriate mix of land uses along the Boulevard; and*
2. *New development should be compatible with existing development." (p. 29)*

The plan anticipates office and retail uses on the site, which would be allowed under the proposed C-MX-12 zone district. The plan also identifies the benefits of a mix of uses along the corridor resulting in a more manageable traffic pattern compared to a single use district. This rezoning would support Land Use Recommendation 2 – to retain the diversity of land uses in the corridor (p. 36). The proposed 12-story zoning would also allow development compatible with surrounding development, serving as a transition between the 20-story zoning and taller buildings to the north and the five-story building to the south.

Land Use Recommendation 1 in the plan calls for no wholesale increase in density unless steps are taken to mitigate traffic generation (p. 35). The proposed C-MX-12 zone district would result in an increase in allowed development on the subject property; however, the site is near the Colorado Station transit station, which will reduce vehicle traffic generation, and this recommendation from 1991 conflicts with more recent plan guidance in *Blueprint Denver* described above to encourage higher-density development near transit and along major corridors. Overall, the proposed rezoning is consistent with the goals of the Colorado Boulevard Plan.

Colorado Station General Development Plan

As described above, the Colorado Station GDP applies to the subject property. Under the Denver Zoning Code, "City Council may approve an official map amendment (rezoning) application for property located within an approved LDF (Large Development Framework) or GDP area, taking into consideration the approved LDF or GDP" (DZC Section 12.4.12.15.B). The proposed C-MX-12 zone district is consistent with the GDP intent to allow more intense commercial uses. While the height and allowed uses of C-MX-12 do not exactly match the GDP, the "GDP is a framework plan only and does not specifically allocate building height, mix of uses or density." Overall, the proposed map amendment is consistent with the general framework outlined in the Colorado Station GDP.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-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 of the City through implementation of the city's adopted land use plan and fostering the creation of a walkable, mixed-use area while transitioning from more intense areas to the north to less intense areas to the south.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a

change to such a degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally…."

The area between Warren Ave. and Evans Ave. has seen several new town house and apartment developments over the last few years, including a new five-story apartment building immediately south of the subject property, starting to change the character of the area into a higher-intensity residential and mixed-use area, consistent with the proposed C-MX-12 zoning. In addition, there has been new high-rise development in Colorado Center, just north of the transit station, further developing the transit-oriented development around the station, of which this property would be an extension. The character of the area is changing into a transit-oriented mixed-use corridor, which justifies the rezoning of the property to C-MX-12 to serve the public interest.

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

The requested C-MX-12 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). The current zone district, C-MX-5, is also in the Urban Center Neighborhood Context. The area is currently evolving to fit this context description, consistent with adopted plans, and the proposed rezoning will facilitate development consistent with that evolution and the Urban Center context description.

The general purpose for the mixed-use zone districts stated in the Denver Zoning Code is to "promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public street edge" and "ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods" (DZC Section 7.2.2.1). The proposed C-MX-12 zone district would facilitate mixed-use development with active ground floors, providing a transition between more intense development to the north and less intense development to the south, consistent with the stated purpose.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-12 district "applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired" (DZC Section 7.2.2.2.D). The subject property is served by S. Colorado Blvd and Evans Ave., both of which are classified as Mixed-Use Arterial streets. In addition, Interstate 25 is about ¼-mile north and east of the site and the Colorado Station transit station is directly to the north. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Attachments

1. Application
2. Public comment letters