



TO: City Council
FROM: Edson Ibañez, Senior City Planner
DATE: April 20, 2023
RE: Official Zoning Map Amendment Application #2022I-00131
640 West Tennessee Avenue
Rezoning from I-A, UO-2 to I-MX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00131.

Request for Rezoning

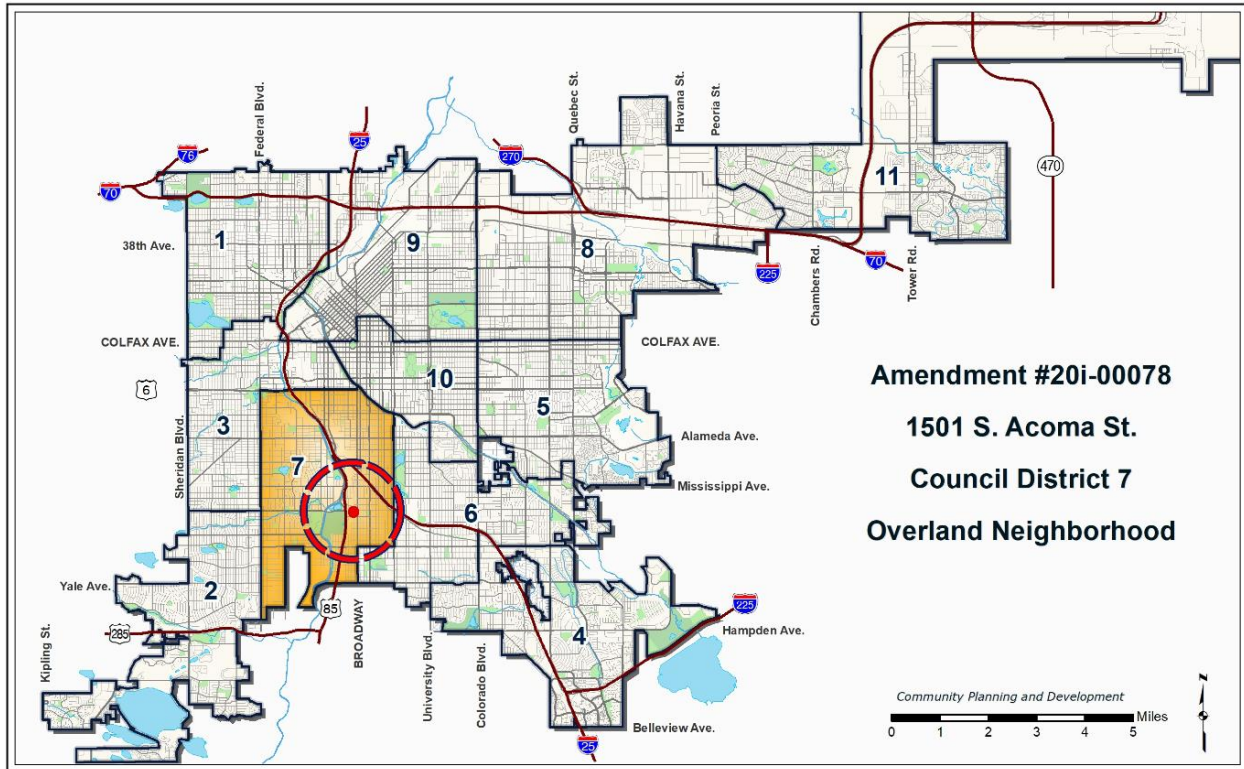
Address: 640 West Tennessee Avenue
Neighborhood/Council District: Athmar Park / Council District 7
RNOs: Inter-Neighborhood Cooperation (INC), Athmar Park
Neighborhood Association, and Strong Denver
Area of Property: 70,320 square feet or 1.61 acres
Current Zoning: I-A, UO-2
Proposed Zoning: I-MX-5
Property Owner(s): 640 Tenn Owner LLC
Owner Representative: Todd Snyder, 640 Tenn Owner LLC

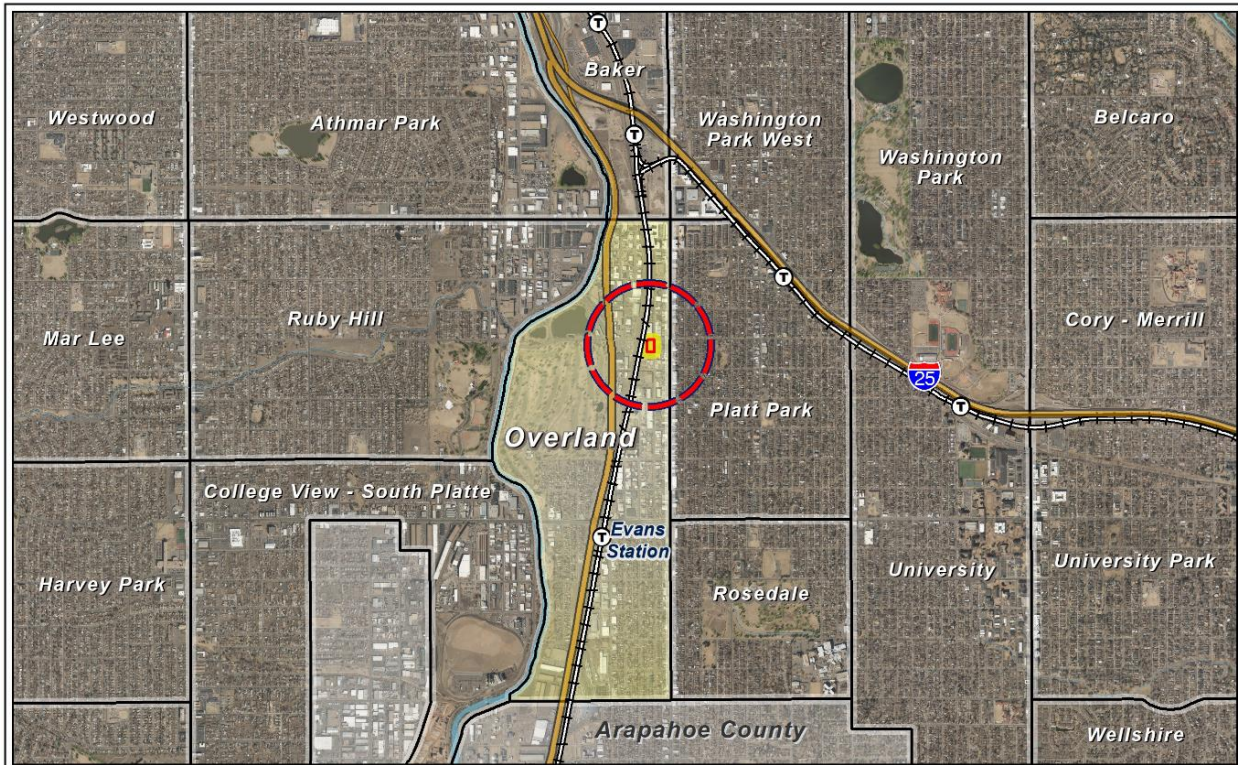
Summary of Rezoning Request

- The property is in the Athmar Park statistical neighborhood at the southwest corner of West Tennessee Avenue and South Fox Street.
- The property, owned by 640 Tenn Owner LLC, is currently occupied by an auto business and flooring store.
- The applicant is requesting this rezoning to enable mixed-use redevelopment.
- The current zoning is I-A, UO-2. I-A is a light industrial zone district in the Industrial Context. The UO-2 is the Billboard Use Overlay which allows for the establishment and operation of billboards subject to additional standards and limitations. The applicant is not proposing to retain the Billboard Use Overlay (UO-2) that is currently mapped on the site. There is no billboard on the subject property.
- The proposed zone district, I-MX-5, can be summarized as follows (see map below illustrating proposed zone districts):
 - The I-MX-5 zone district stands for **I**ndustrial, **M**ixed Use, with a maximum height of **5** stories. The I-MX zone district is a mixed-use zone district that allows a wide range of light industrial, residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The I-MX-5 zone district allows up to 5 stories and 70 feet in building height.

Further details of the zone district can be found in Division 9.1 of the Denver Zoning Code (DZC).

Existing Context



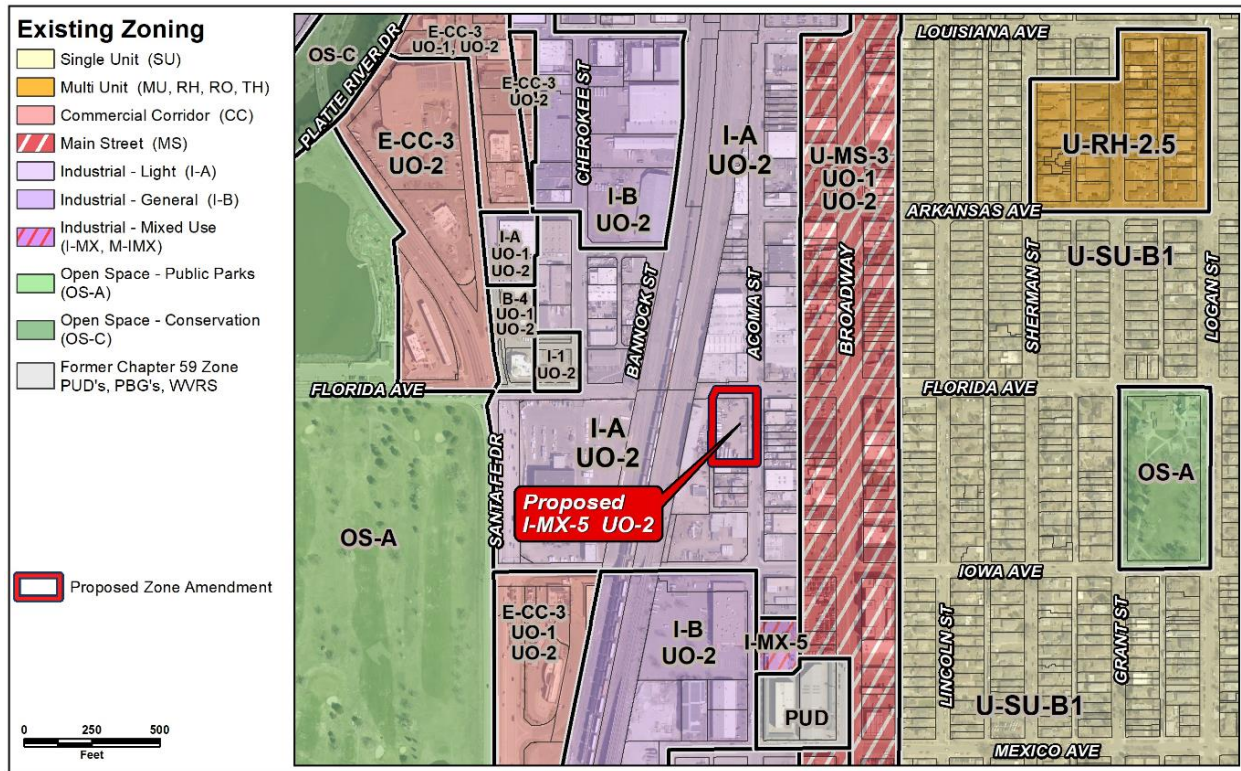


The subject property is located within the Altmar Park neighborhood, at the southwest corner of West Tennessee Avenue and South Fox Street. The subject site has approximately 251 feet of frontage along West Tennessee Avenue and has a lot-depth of approximately 271 feet. The existing structure on the site is occupied by an auto repair shop and flooring company. The ground floor of the existing structure is approximately 33,000 Square feet. RTD Light Rail Station I-25/Broadway Station is approximately 1 mile of the subject site. The subject property is in close proximity to RTD’s frequent bus routes 11 and 14 along West Mississippi Avenue and Fox Street.

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 | I-A, UO-2 | Industrial | One-Story industrial building with multiple loading bays | The area is served by the Denver cardinal street grid and block pattern is regular except for South Platter River and the railroad tracks running southwest/northeast. Major street connections are provided to South Broadway, West Mississippi Avenue and South Santa Fe Drive. |
| North | OS-A | Open Space | Vanderbilt Park | |
| South | I-A, UO-2 | Industrial | 2-story industrial building with one loading bay | |
| East | I-A, UO-2 | Industrial | One-Story industrial building with multiple loading bays | |
| West | I-A, UO-2 | Industrial | 2-story office building | |

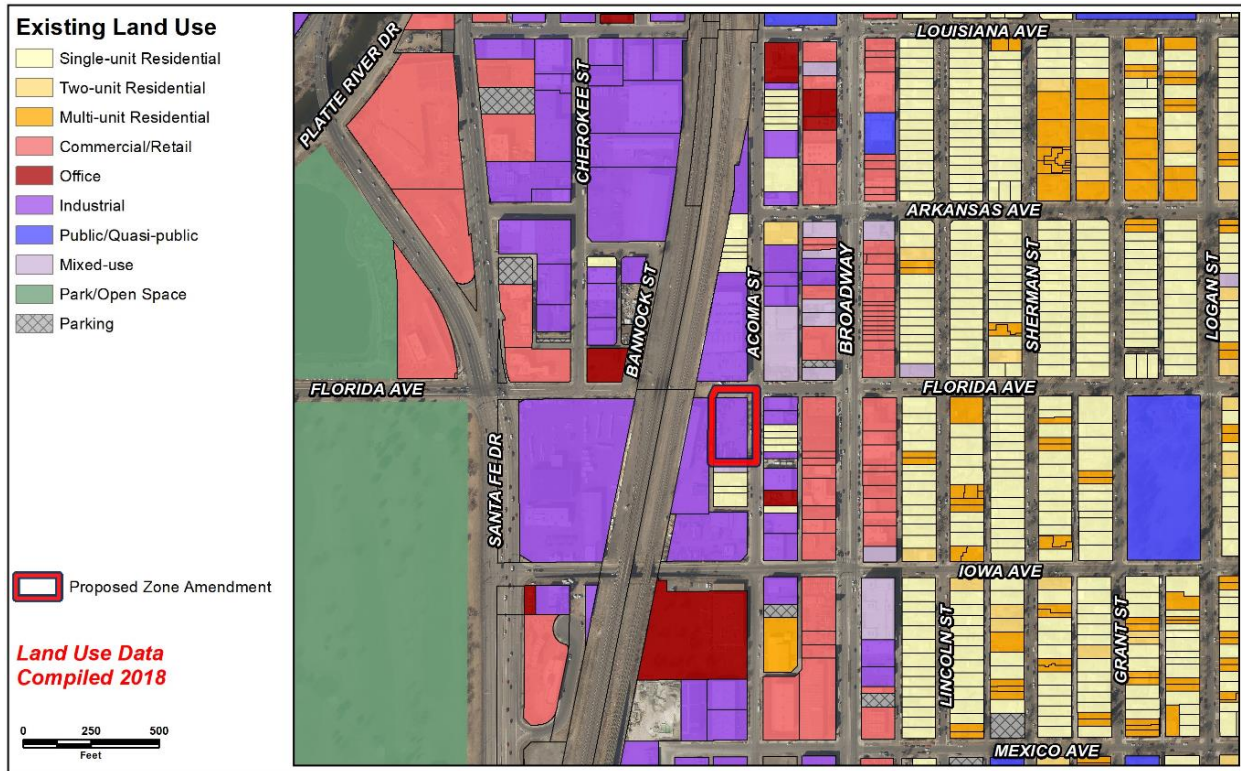
1. Existing Zoning



The existing zoning on the subject property is I-A, UO-2 which is a light industrial district that allows office, business and light industrial uses with the billboard use overlay. Residential uses are only permitted in the light industrial zone where a residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial primary building forms and regulates building mass through a maximum floor area ratio (FAR) of 2:1. This zone district does not specify a maximum building height except for sites within 175 feet of a protected district, in which case the maximum building height is 75 feet. The subject property is not within 175 feet of a protected zone district. Building forms in the I-A district do not include a build-to requirement, transparency requirement, or street-level activation standards and surface parking is permitted between the building and primary and side streets.

The UO-2 is the Billboard Use Overlay which allows for “outdoor general advertising device” signs (i.e. billboards) on the zone lot. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.

2. Existing Land Use Map



3. Existing Building Form and Scale



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



Site - View of the subject property looking south-west from Tennessee and Fox. (Source: Google Maps)



Site – View of the subject property looking east on Galapago Street (Source: Google Maps)



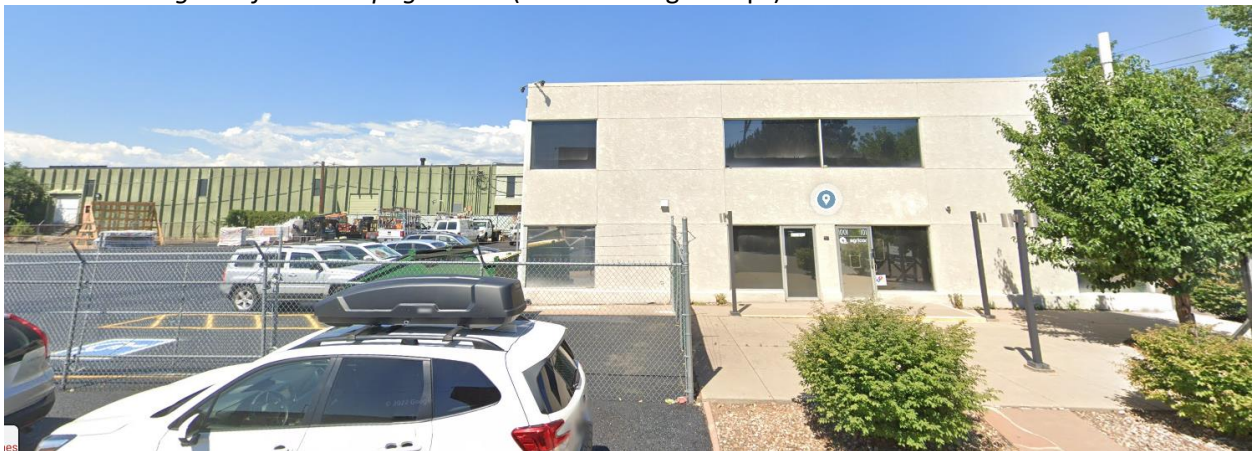
North – from Tennessee Avenue (Source: Google Maps)



East – from South Fox Street (Source: Google Maps)



South – looking east from Galapago Street (Source: Google Maps)



West – from Galapago Street (Source: Google Maps)

Proposed Zoning

I-MX-5 Zone District

The requested I-MX-5 zone district has a maximum height of 5 stories or 70 feet with allowable encroachments. A variety of residential, commercial and industrial uses are allowed, with limitations. Under the general building form, the requested district does not allow surface parking between the building and primary street, where the zone lot line is located within 65 feet of the building façade. The For additional details regarding building form standards in the I-MX-5 zone district, see DZC Section 9.1.3.

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

| Design Standards | I-A, UO-2 (Existing) | I-MX-5 (Proposed) |
|---|---|---|
| Primary Building Forms Allowed | General, Industrial | Town House; General; Industrial |
| Height in Stories / Feet (max) | N/A, except max height of 75' within 175' of a protected district | 5 stories/70' |
| Primary Street Build-To Percentages (min) | N/A | 50%* |
| Primary Street Build-To Ranges | N/A | 10' to 15'- Town House 0' to 10' – General |
| Minimum Zone Lot Size/Width | N/A | N/A |
| Primary Street Setbacks (min) | 20' | 10' – Town House 0' – General 0' – Industrial |
| Floor Area Ratio (Max) | 2:1 FAR | N/A |

*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: Approve Rezoning Only - Will require additional information at Site Plan Review

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No comments

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: | 9/20/22 |
| Applicant submitted revised application: | 11/09/22 |
| 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: | 2/15/23 |
| Planning Board Public Hearing: Approved Unanimously | 3/1/23 |
| 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: | 3/4/23 |
| Land Use, Transportation and Infrastructure Committee of the City Council meeting: | 3/14/23 |
| 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: | 4/3/23 |
| City Council Public Hearing: | 4/24/23 |

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff has not received written comment from an RNO pertaining to this application.
- **Other Public Comment**
As of the date of this report, staff has received two letters of support. They are attached to this staff report.

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)*
- *I-25 and Broadway Station Area Plan (2016)*

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 mixed-use development, including an increase in allowed housing density, while also enabling additional housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*
- 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 I-MX-5 zoning designation would allow for a broader variety of uses including housing, retail, and services and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- 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).
- 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 an Innovation-Flex future place within the District 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 District Context. Blueprint states, “Districts are areas with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas. Residential uses are largely limited to the campus and innovation/flex districts” (p. 280). The proposed I-MX-5 base zone district is appropriate for the District 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 realm” and “the Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods.” (DZC 9.1.2.1). Since the proposed I-MX-5 zone district allows for a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to I-MX-5 is consistent with the district context designation.

Blueprint Denver classifies West Tennessee Avenue, South Galapago Street and South Fox Street as local or undesignated streets. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160). One block to the south, Mississippi Avenue is designated as a mixed-use arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). The proposed I-MX-5 zone district is intended for industrial-dominated areas served primarily by collector/arterial streets (DZC Section 9.1.2.1.A.3). As West Tennessee Avenue is an arterial street less than one block away, the requested zone district is appropriate considering the surrounding street type designations.

Growth Strategy



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 the districts area. Citywide, districts are anticipated to see around 5% of new housing growth and 15% of new employment growth by 2040 (p. 51). *Blueprint* notes that “Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver’s future housing stock” (p.49). The proposed map amendment to I-MX-5 will allow mixed-use growth in an Innovation/Flex district, which is an intended location for this kind of growth and helps to support the future employment and housing growth anticipated by *Blueprint Denver*. Therefore, this proposed rezoning is consistent with the 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 1 – *Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets* (p. 72).

- Land Use and Built Form – Economics Policy 3, Strategy D – *Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts* (p. 91).

I-25 and Broadway Station Area Plan (2016)

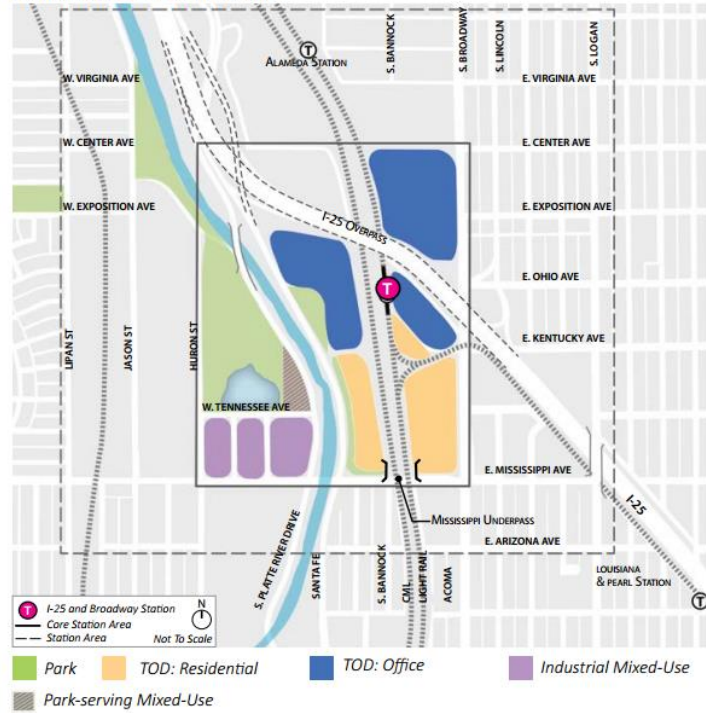
This neighborhood plan was adopted by City Council in 2016 and applies to the subject property. The subject site is located within the Core Station Area defined as the land “closest to the station platform that will likely redevelop in the near future and has the greatest impact on the future character of the I-25 and Broadway Station Area” (pg. 6). The Plan sets forth an overarching goal to “create a Connected, Resilient, Vibrant and Transformative Multi-Modal Hub that reknits the Station Area into the fabric of the City” and confirms the Urban Center context for the station area (pg. 22).

The proposed rezoning is consistent with numerous recommendations with specific points of alignment:

- **Continue to Support Industrial and Industrial mixed-use uses at strategic location. (Resilient 1.2)**
 - Rezone the parcels immediately south of Tennessee to industrial mixed use in order to help activate Vanderbilt Park West by allowing these blocks to transition to residential, commercial, or industrial mixed-use projects.
 - Encourage a vertical and horizontal mix of land uses, including light industrial, small office, institutional/vocational, commercial, flex, and live/work.
 - Multifamily residential may be appropriate south of Vanderbilt Park West within a mixed-use building that includes employment uses.

The subject site is classified as industrial mixed use in the Refined Land Use Framework map and with recommendations of up to 5 stories on the proposed building heights maps. Industrial Mixed Use is described as “mixed-use areas with light industrial uses that are compatible with residential uses, such as light manufacturing, smaller warehouses, institutional/ vocational, commercial, flex, and live/work” (p.56).

Refined Land Use Framework



Proposed Building Heights



The proposed rezoning is consistent with the I-25 and Broadway Station Area Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-MX-5 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 along Tennessee Avenue and foster the creation of a walkable, urban area within walking distance to high-capacity 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 Circumstances

The application identifies several changed or changing conditions and a change in plan direction as the justifying circumstances 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 change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan; or, (c.) that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning"*.

A change to a City adopted plan, Blueprint Denver, justifies this rezoning. When Blueprint was adopted in 2019, the subject property was mapped as a value manufacturing area in a district context. This future place does not integrate well with residential uses and the requested zone district, I-MX-5, was not consistent with the plan direction. Through the Blueprint Denver annual update process in 2020, this area of the city was remapped to an innovation/flex future place which supports residential uses and therefore, further justifies this rezoning.

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

Both the I-A and I-MX-5 zone districts fall within the industrial context description set forth in the Code, meaning that the approval of the rezoning will not impact the consistency with the applicable neighborhood context description. It is important to note, in any event, that the industrial context specifically contemplates and includes "areas subject to transitions from industrial to mixed use," which, as noted above, describes the mixed-use nature of the area in the vicinity of the subject property.

The general purpose of the industrial mixed-use districts, which includes I-MX-5, is to "accommodate a variety of industrial, commercial, civic, and residential uses" and to "provide a transition between mixed-use areas and I-A or I-B Industrial Districts." (DZC Section 9.1.2.1.A.1.B.–C). The I-MX-5 district zoning will allow the subject property to serve both purposes. As noted above, the mixed-use zoning allows for a smoother transition and visual buffer between the heavier industrial properties to the west and the evolving mixed-use areas along South Broadway to the east. The third purpose statement for

the industrial mixed-use districts encourages development in a “pedestrian-oriented pattern, with buildings built up to the street and an active street level.” (DZC Section 9.1.2.1.A.1.a).

The I-MX-5 purpose statement provides that the district is appropriate for “industrially dominated areas served primarily by collector streets.” (DZC Section 9.1.2.1.A.3). As discussed above in conjunction with adopted plans, this Property is near frequent bus service along West Mississippi. Although the Property is located on Fox Street and Tennessee Avenue, which are local streets, it is also served by two more intense streets (as designated by Blueprint): (1) S Huron Street is an industrial collector to the south of the Property; and (2) West Mississippi Avenue is a mixed use arterial. Therefore, the proposed rezoning is consistent with the stated purpose and intent of the I-MX-5 district.

Attachments

1. Rezoning application