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# 3801 East Florida Avenue

Request: B-A-3 and O-1 to S-MX-5

Date: 9.16.2024

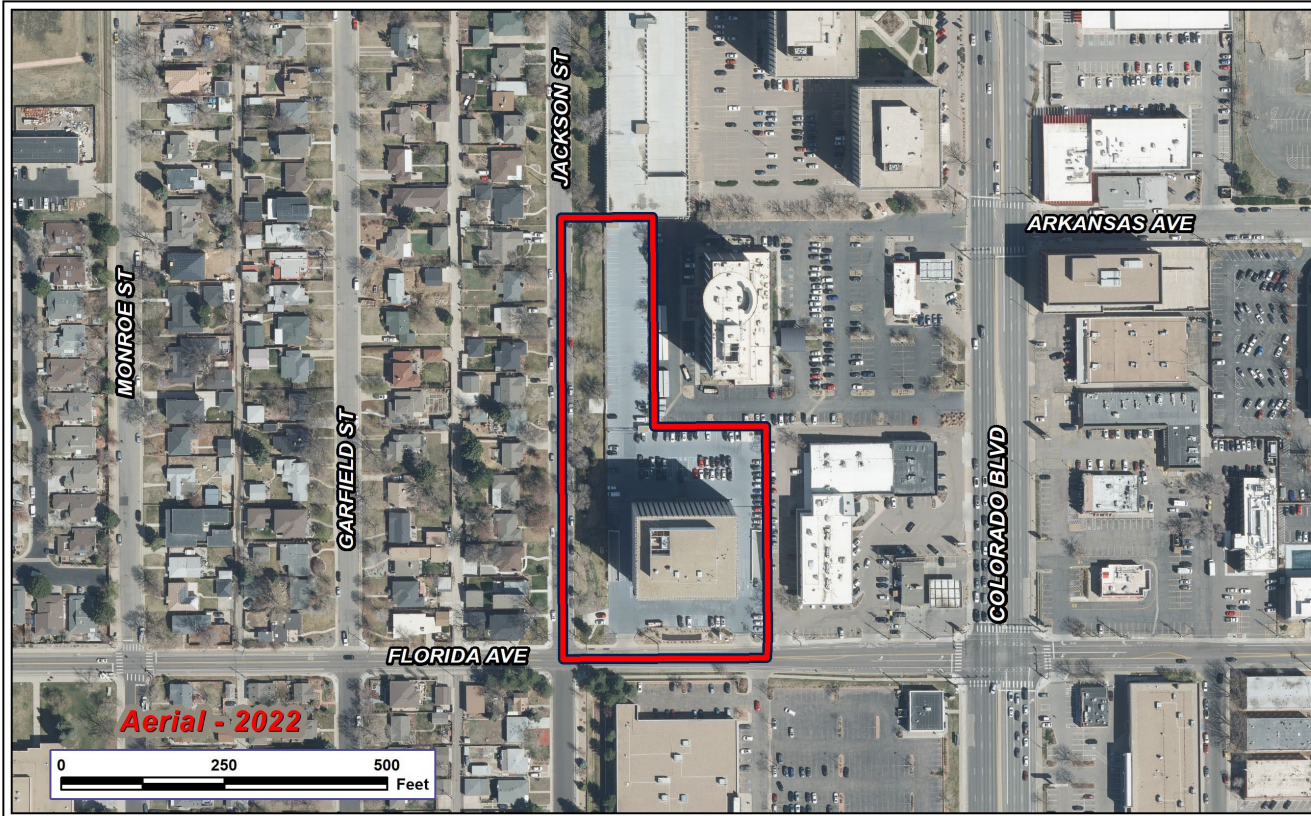
Presenter: Alisa Childress

# Presentation Agenda

- Request
- Location and Context
- Process
- Review Criteria



# Request: from B-A-3 and O-1 to S-MX-5



- Property:
  - 126,697 sf or 2.9 acres
  - 9-story office tower and surface parking lot
- Rezone from B-A-3 and O-1 to S-MX-5
- Requesting rezoning to facilitate redevelopment of the site in a manner that is consistent with adopted plans

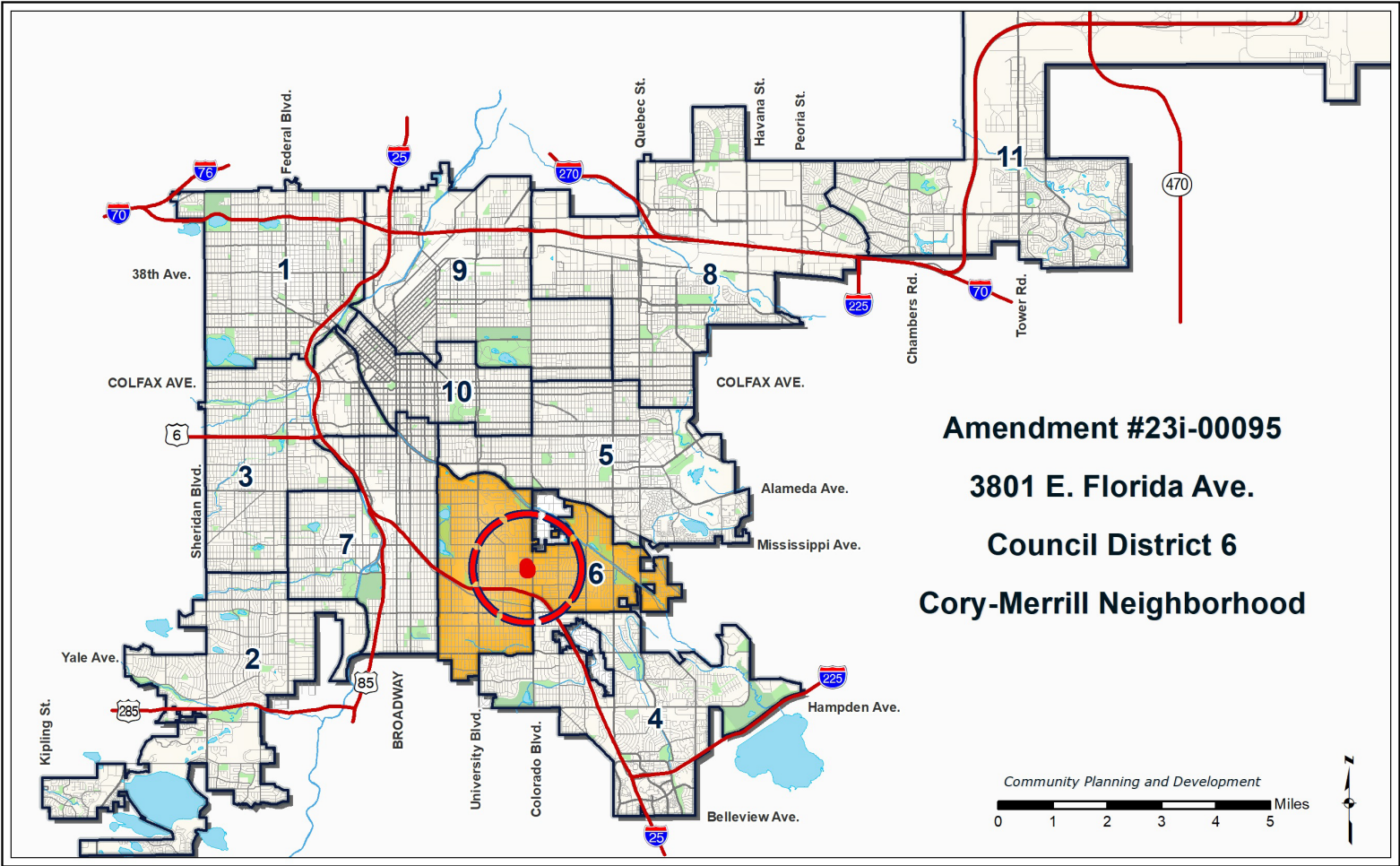
*Reminder: Approval of a rezoning is not approval of a proposed specific development project*

# Presentation Agenda

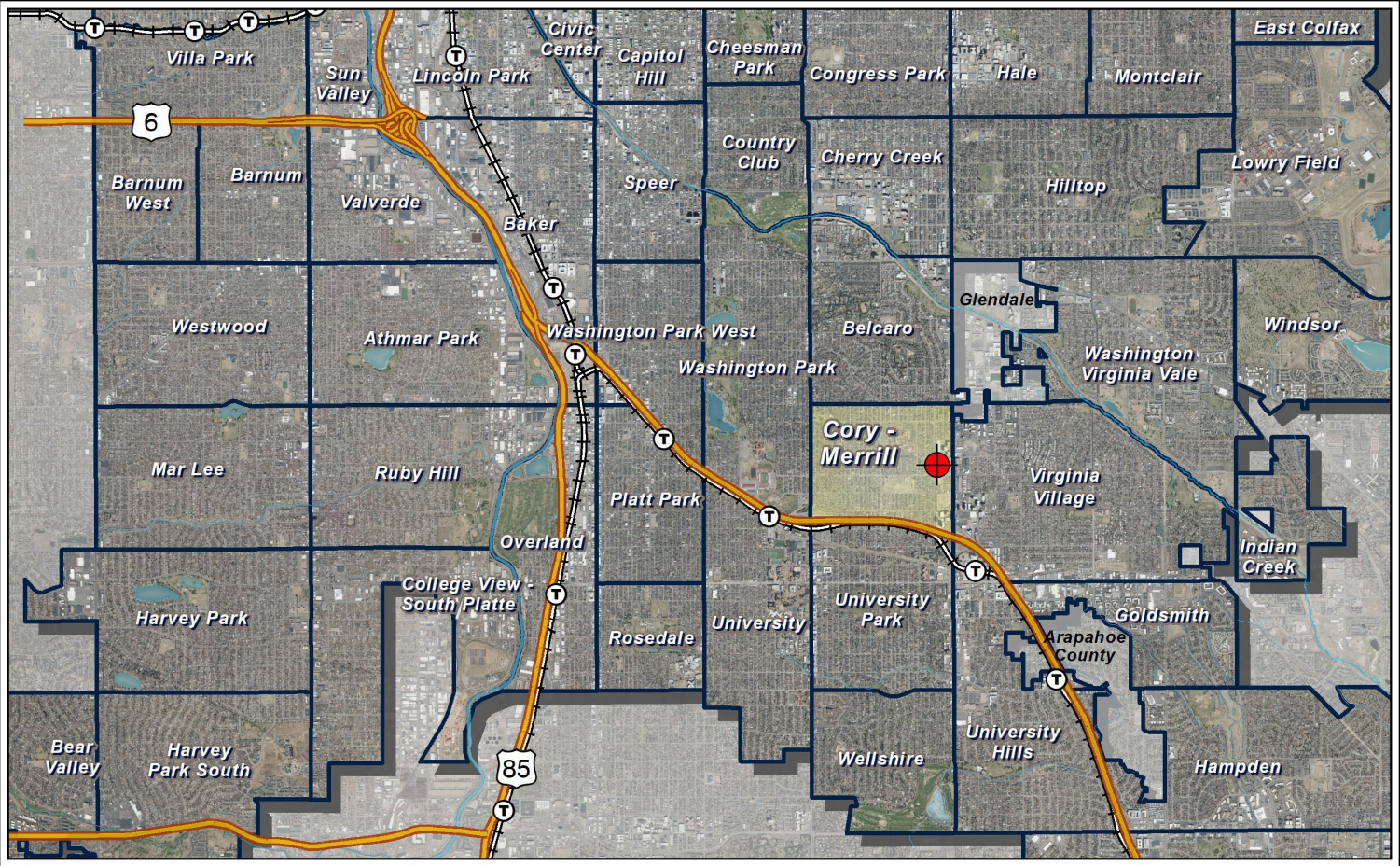
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# Council District 6 – Councilmember Kashmann



# Statistical Neighborhood – Cory-Merrill

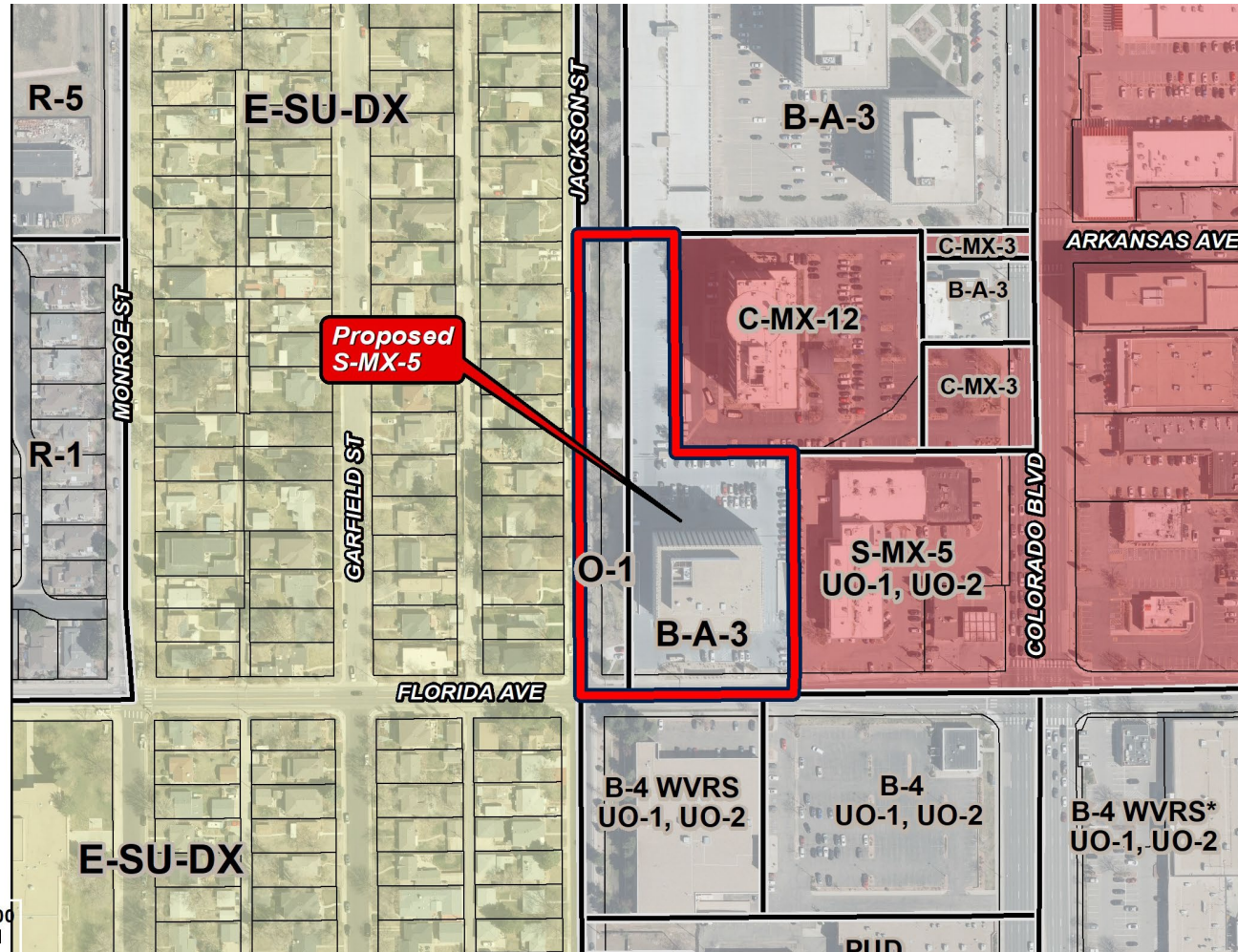
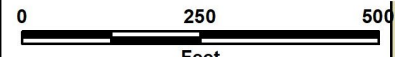


# Existing Zoning – B-A-3 and O-1

## EXISTING ZONING

- Single Unit (SU)
- Mixed Use (MX, M-GMX)
- Former Chapter 59 Zone  
PUD's, PBG's, WVRs

Proposed Zone Amendment



- B-A-3 and O-1

Proximity to:

- C-MX-12
- S-MX-5
- E-SU-Dx
- B-4

# Proposed Zoning – S-MX-5

## Shopfront

- Height: 5 stories, 24’ minimum, 70’ maximum
- Primary Street build-to: 75%, 0’-10’ for residential only
- All setbacks: 0’

### J. Shopfront



## General Building Form 2

- Height: 5 stories/70’
- Primary Street build-to: 50%, 0/80’
- All setbacks: 0’

### H. General (2 of 3)



Suburban (S-) Neighborhood Context Zone Districts		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurants	General	Shopfront
<b>Max Number of Primary Structures per Zone Lot</b>		1*		1*	2	No Maximum							
<b>RESIDENTIAL ZONE DISTRICTS</b>													
Single Unit (SU)	S-SU-A, A1, -D, D1, -F, -Fx, F1, F1A, F1x, -I, -Ix, I1, I1x	■			●								
	S-SU-F1	■			■								
Row House (RH)	S-RH-2.5	■		■		■							
Multi Unit (MU)	S-MU-3, -5, 8, 12, 20	■		■		■			■				
<b>MIXED USE COMMERCIAL ZONE DISTRICTS</b>													
Commercial Corridor (CC)	S-CC-3, -3x, -5, -5x								□	□	■		
	S-MX-2x										■	■	
Mixed Use (MX)	S-MX-2, -3, -5, -8, -12								□	□	■	■	
	S-MX-2A, -3A, -5A, -8A, -12A										■	■	
Main Street (MS)	S-MS-3, -5								□	□		■	

■ = Allowed □ = Allowed subject to geographic limitations

● = Tandem House building form allowed subject to exception stated in Section 1.2.3.5.B

\*No Maximum # of primary structures per zone lot in the S-RH and S-MU Zone Districts.

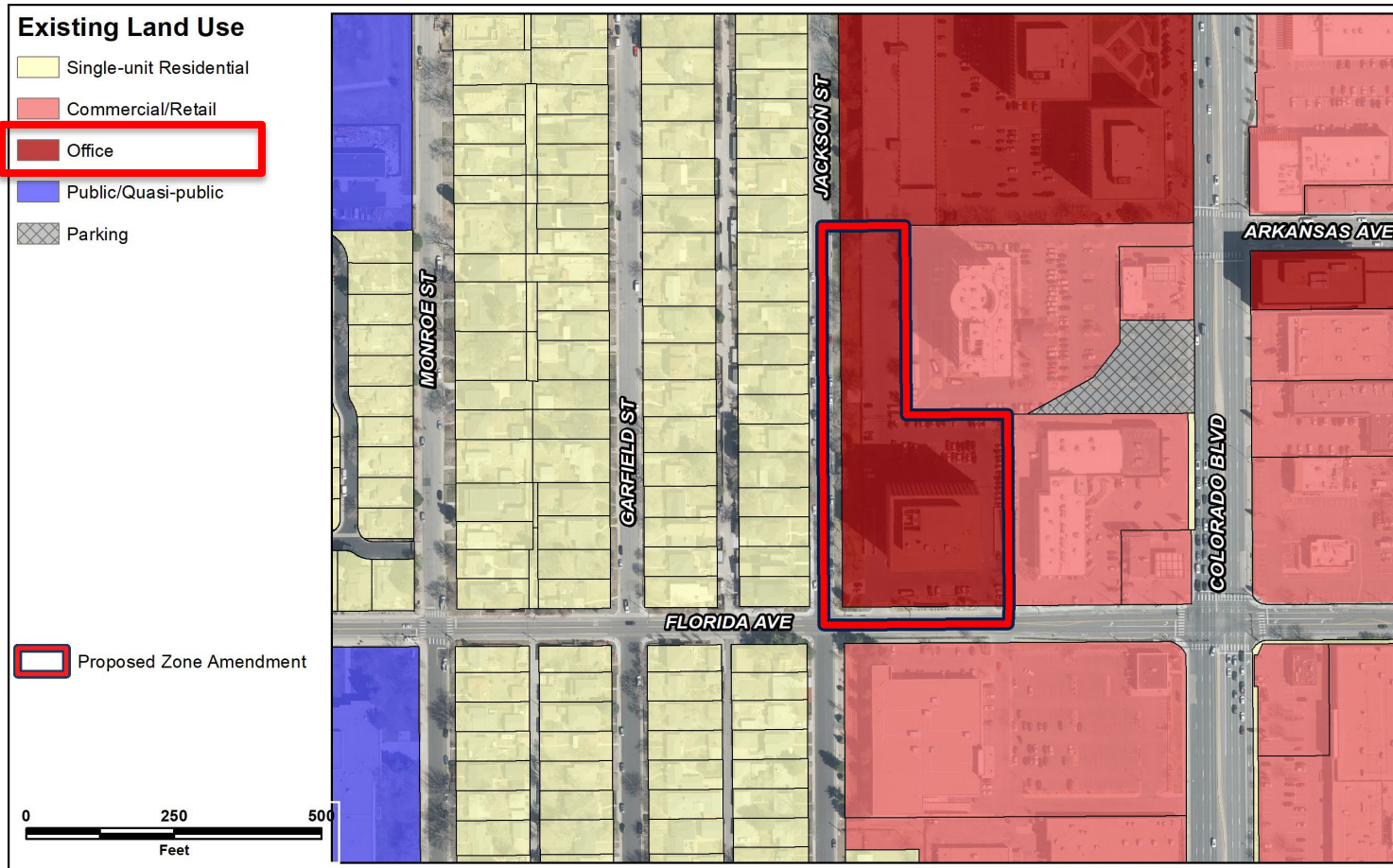


# Sidewalk and Forestry Requirements

- The sidewalk ordinance will require a 5' sidewalk and an 8' amenity zone. This would preserve about 15' of the green space in the form of right-of-way.
- Forestry will require the preservation of all of the trees immediately along the curb on Jackson Street.
- All proposed improvements, including sidewalks and access ways, should be located outside the tree protection zone of trees. This may mean that a wider amenity zone is required.
- Forestry would not permit the mass removal of the trees along Jackson Street.



# Existing Context – Land Use



## Office

Adjacent to:

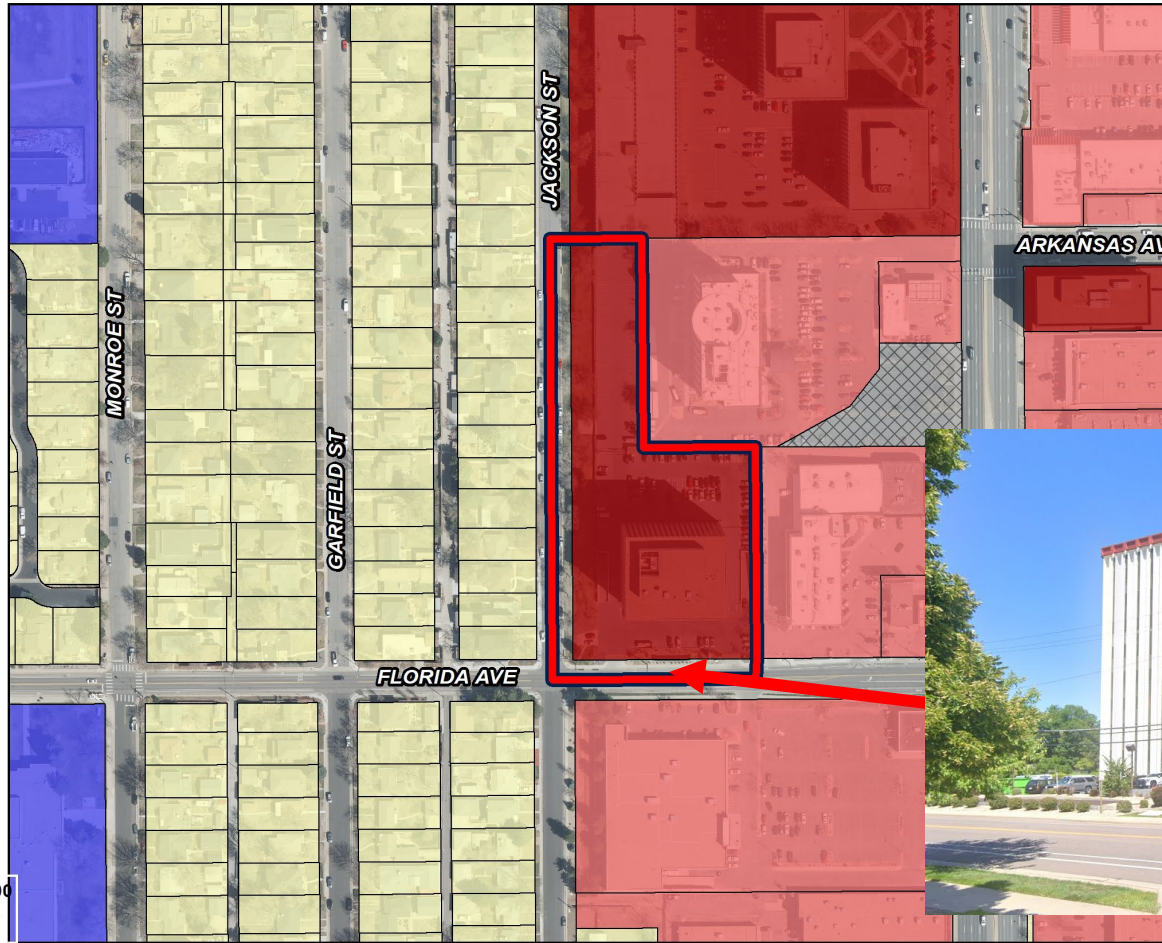
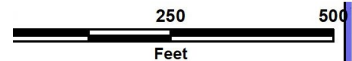
- Single-Unit Residential
- Commercial/retail

# Existing Context – Building Form/Scale

## Existing Land Use

- Single-unit Residential
- Commercial/Retail
- Office
- Public/Quasi-public
- Parking

Proposed Zone Amendment

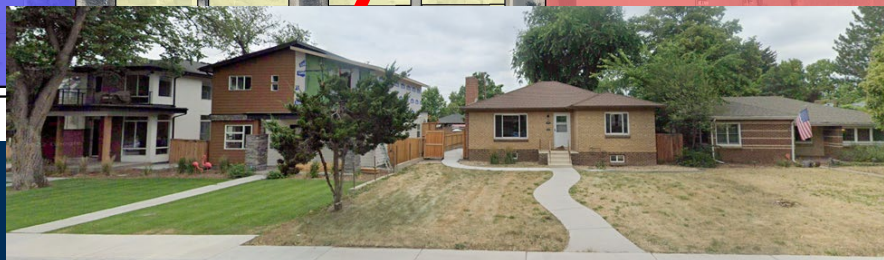
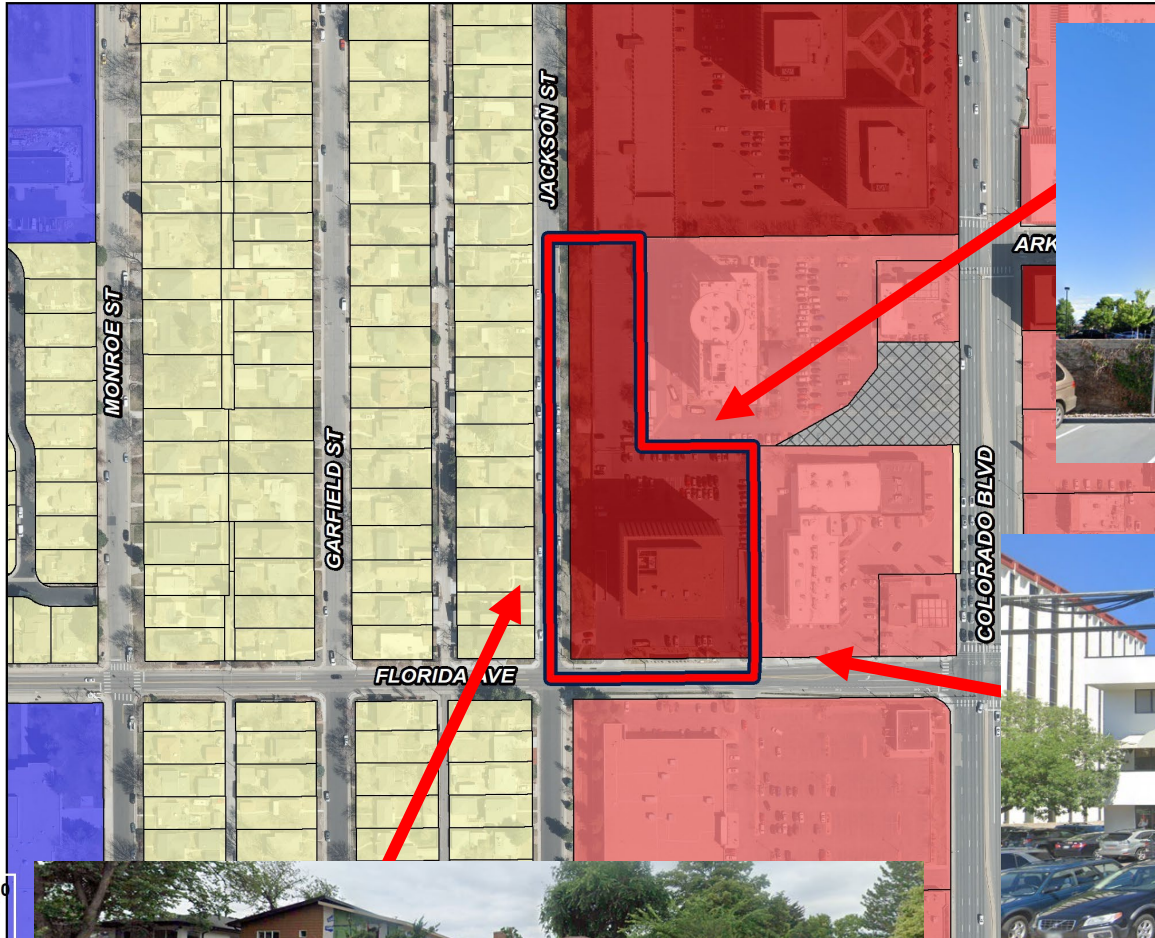
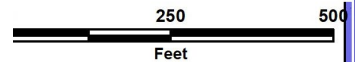


# Existing Context – Building Form/Scale

## Existing Land Use

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Proposed Zone Amendment



# Agenda

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# Process

- Informational Notice: 11/14/2023
- Planning Board Notice: 4/30/2024
- Planning Board Public Hearing: 5/15/2024
- LUTI Committee – First Meeting: 7/9/2024
- LUTI Committee – Second Meeting: 7/30/2024
- City Council Public Hearing: 9/16/2024

# Public Comments

## Registered Neighborhood Organizations (RNOs)

- 1 letter of support from the East Evans Business Association has been received. The letter expressed support for a district that promotes safe, active, and pedestrian-scaled development and that a mixed-use district would provide a good transition to the residential area.
- 1 letter of opposition from the Cory-Merrill Neighborhood Association has been received. The letter expresses opposition for the rezoning, citing concerns about property values, privacy, noise, parking, and aesthetics.

## Other Public Comments

- To date, staff has received 16 comments in opposition from neighboring property owners. Comment themes include concerns about potential loss of green space along Jackson Street, increased traffic and street noise, less parking, and the impact of commercial uses spilling over into the neighborhood.

## Protest Petition

- A protest petition was submitted. It was determined that the protest petition signatures submitted did not meet the 20% requirement and does not constitute a legal protest.

# Planning Board

- Planning Board held a hearing on this item on 5/15/2024.
- The board voted unanimously to recommend approval.



# Presentation Agenda

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# Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Denver Zoning Code Review Criteria

## 1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*
- *The Colorado Boulevard Plan (1991)*

## 2. Uniformity of District Regulations

## 3. Further Public Health, Safety and Welfare

## 4. Justifying Circumstances

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

# Comprehensive Plan 2040

## Equity

- Equitable, Affordable and Inclusive Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).



## Strong and Authentic Neighborhoods

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).

## Environmentally Resilient

- Environmentally Resilient Goal, Strategy B – “Encourage mixed-use communities where residents can live, work and play in their own neighborhoods” (p. 54).



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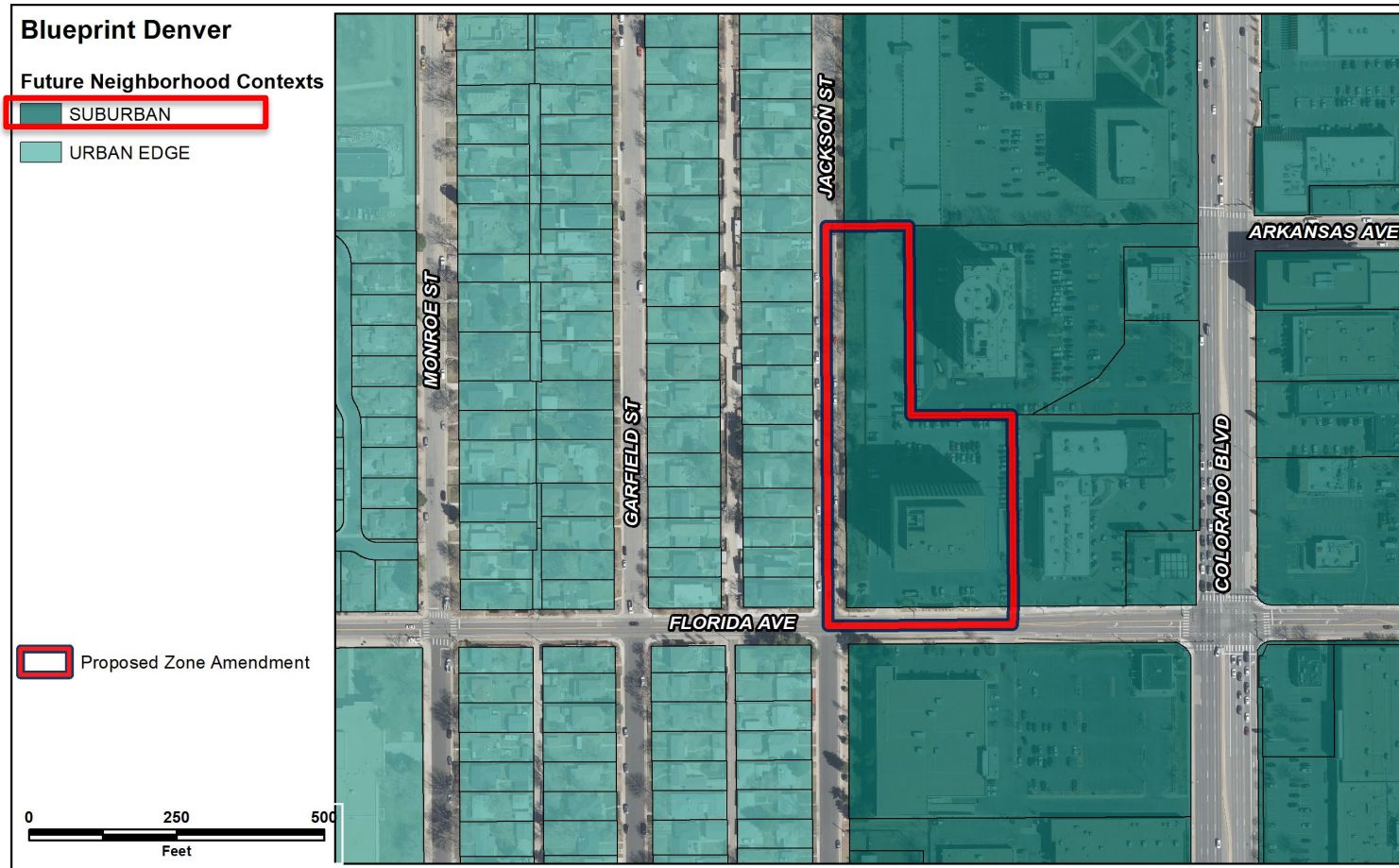
## 2. Uniformity of District Regulations

## 3. Further Public Health, Safety and Welfare

## 4. Justifying Circumstances

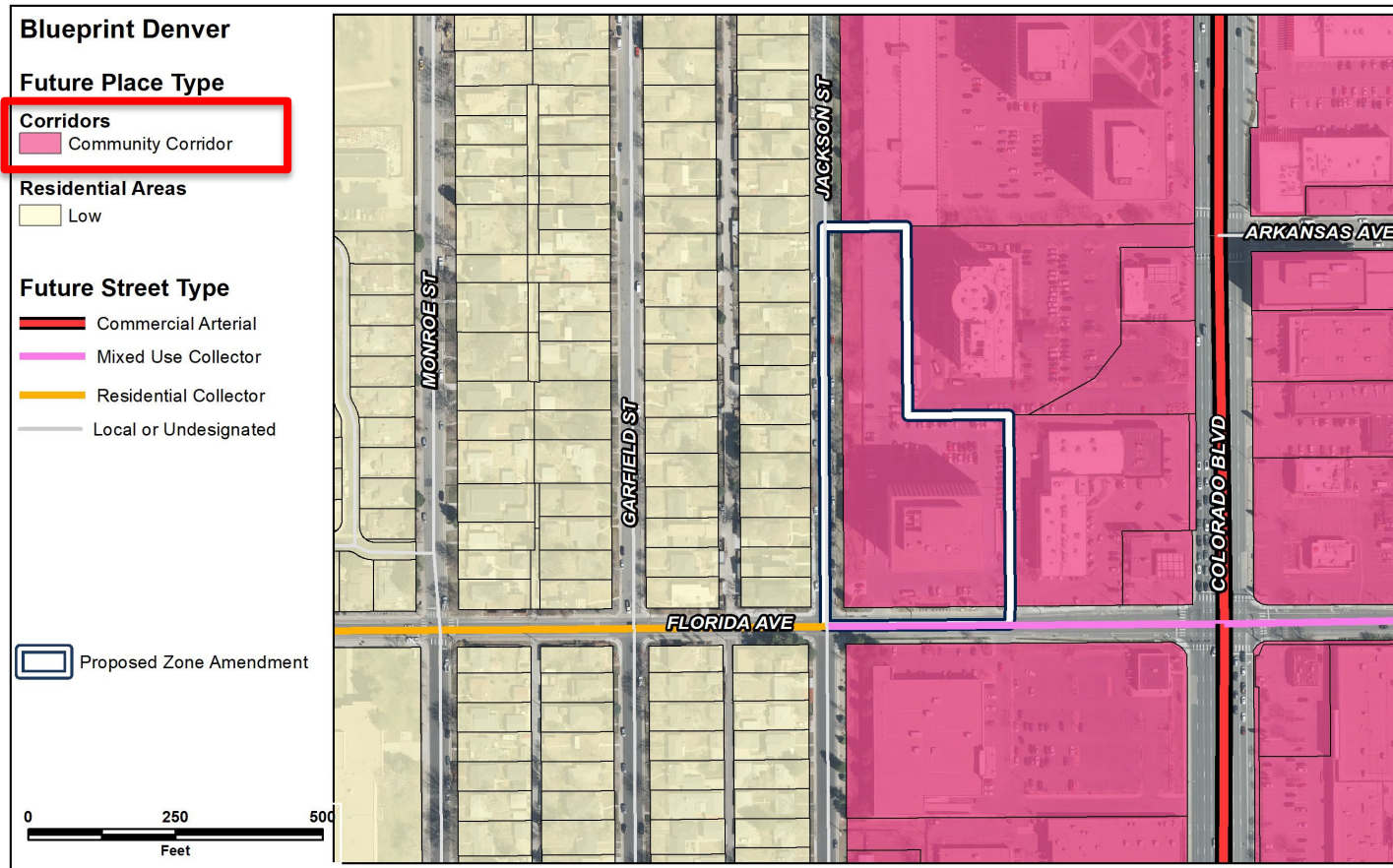
## 5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Blueprint Denver 2019



- **Suburban**
  - Mixed-use multi-unit to single-unit
  - Mix of uses
  - Good street activation
  - Safe, active, and pedestrian-scaled

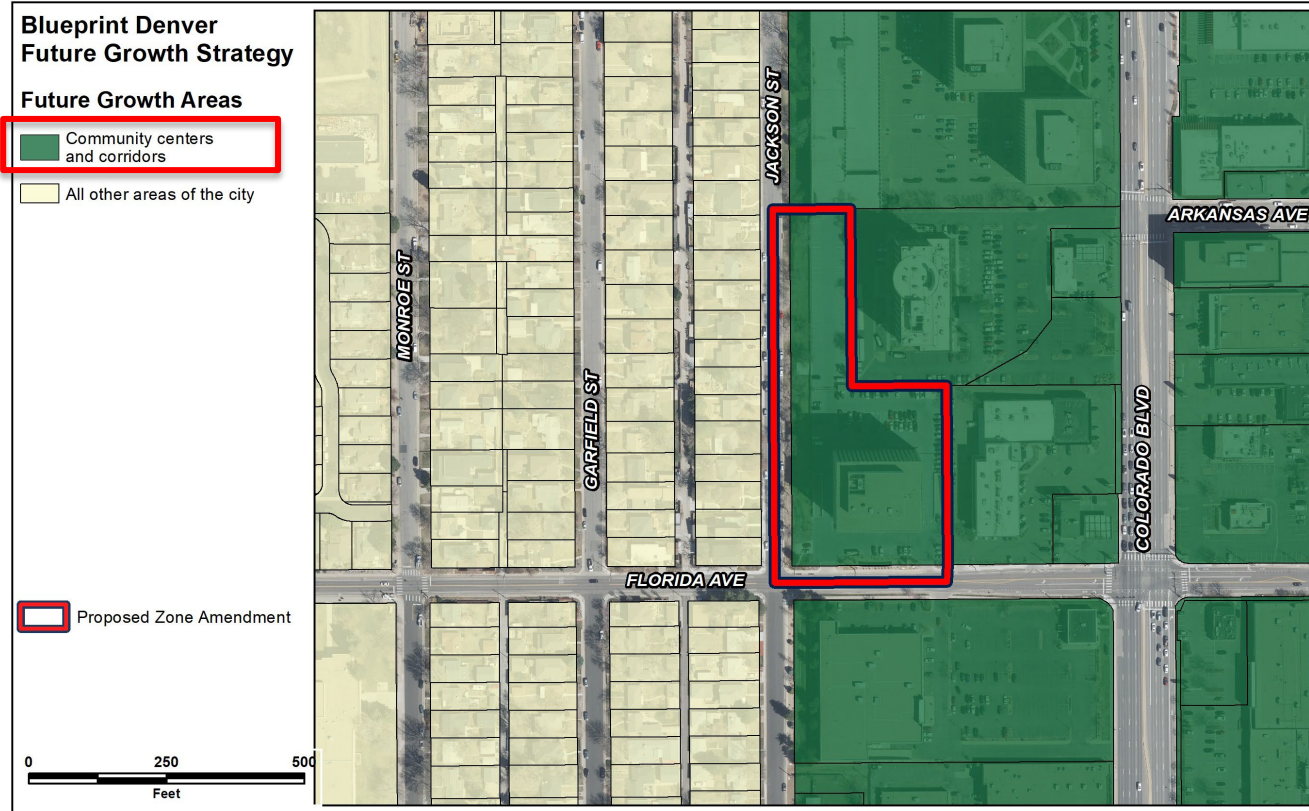
# Blueprint Denver 2019



- **Community Corridor**
  - Typically provides some mix of office, commercial and residential uses.
  - Buildings have a linear orientation along the street with opportunity for suburban infill development.
  - Heights up to 5 stories.
- **Future Street Types**
  - East Florida Avenue: Mixed-Use Collector
  - South Jackson Street: local or undesignated

Evaluation is based on the proposed zone district is consistent with the Future Street Classification, not to assess the traffic impacts of a specific development proposal.

# Blueprint Denver 2019



- Growth Areas Strategy: Community Centers and Corridors
  - 20% of jobs by 2040
  - 25% housing by 2040



# Blueprint Denver

## Land Use And Built Form Policy 03, 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.”

# The Colorado Boulevard Plan (1991)

## Land Use recommendation #2

“Glendale and Denver should seek to retain the diversity of land uses in the corridor. Denver and Glendale should also encourage large office projects to incorporate either retail, residential, entertainment, lodging or restaurant uses in addition to the primary office use.”

# Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
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# CPD Recommendation

CPD recommends approval, based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Development Standards: O-1 District

Key:	Zone District	
	O-1	O-2
<i>P = Permitted</i>		
<i>L = Uses permitted with limitations</i>		
<i>SR = Uses permitted after special review</i>		
<i>* = Need not be enclosed</i>		
<i>(blank) = Not permitted</i>		
<i>Use</i>		
<b>Retail, service, office</b>		
Garden supply store	L56	
<b>Industrial, wholesale, transportation, utilities</b>		
Airport*	P	P
Parking of vehicles*	P	
Railway right-of-way*	P	P
Terminal, public transportation, local*	P	
Utility, major impact	L115	L115
Utility, minor impact	P	
Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials	L126	
<b>Arts, entertainment, recreation, institutions</b>		
Cemetery*	P	
Community or senior center or recreational facility	P	
Correctional institution	P	
Fire station	P	
Golf course*	P	
Library	P	
Museums, other special purpose cultural institutions	P	
Parks, public, open space, associated buildings*	P	
Police station	P	
Recreation services, outdoor*	P	

(c) *Location of structures in the O-1 district.* In the O-1 district, all structures shall be set in a distance of not less than twenty (20) feet from each front, rear and side line of the zone lot; provided, however, that no setback shall be required for electric substations, gas regulator stations and utility pumping stations except from such lines of the zone lot as abut public right-of-way. The space resulting from the foregoing setbacks shall be open and unobstructed; provided, however:

- (1) Fences or walls not exceeding six (6) feet in height may be erected on any part of the zone lot. The height of such walls or fences shall be determined as stated in section 59-2(112.1) fence and wall height measurement. (Ord. No. 363-06, § 15, eff. 6-16-06)
- (2) Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
- (3) Canopies may project any distance into the front setback space.