

Gas Station Limitations

Denver Zoning Code Text Amendment

Denver City Council Land Use, Transportation and
Infrastructure Committee

Date: 1.7.2025

Presenters: Andrew Webb & Alisa Childress



Presentation Agenda

- Request
- Gas Station Limitations
Text Amendment
- Process
- Review Criteria



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Requests

Text Amendment to the Denver Zoning Code to create limitations for the establishment of new gas stations

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Proposed New Use Limitations

1. Prohibit new retail gas stations from being built within a ¼ mile buffer from rail transit stations.
2. Prohibit new retail gas stations from being built within a ¼ mile buffer from existing retail gas stations.
3. Prohibit new retail gas stations from being built within 300 feet of a Protected District (SU, TU, RH, etc.).

Proposed Exception to Use Limitations

This text amendment proposes an exception to buffers from low-intensity residential districts or existing gas stations for new gas stations established at the same time as a related large-format retail use.

- New retail use would need to be in a structure that is 20,000 square feet or larger.

Proposed Clarification for Electric Vehicle Charging

This text amendment also includes proposed updates to Compliant Use language in the Denver Zoning Code specifying that any existing gas station uses made “Compliant” per the Denver Zoning Code by adoption of these amendments be allowed to expand to add electric vehicle charging equipment if the operators desire to do so.

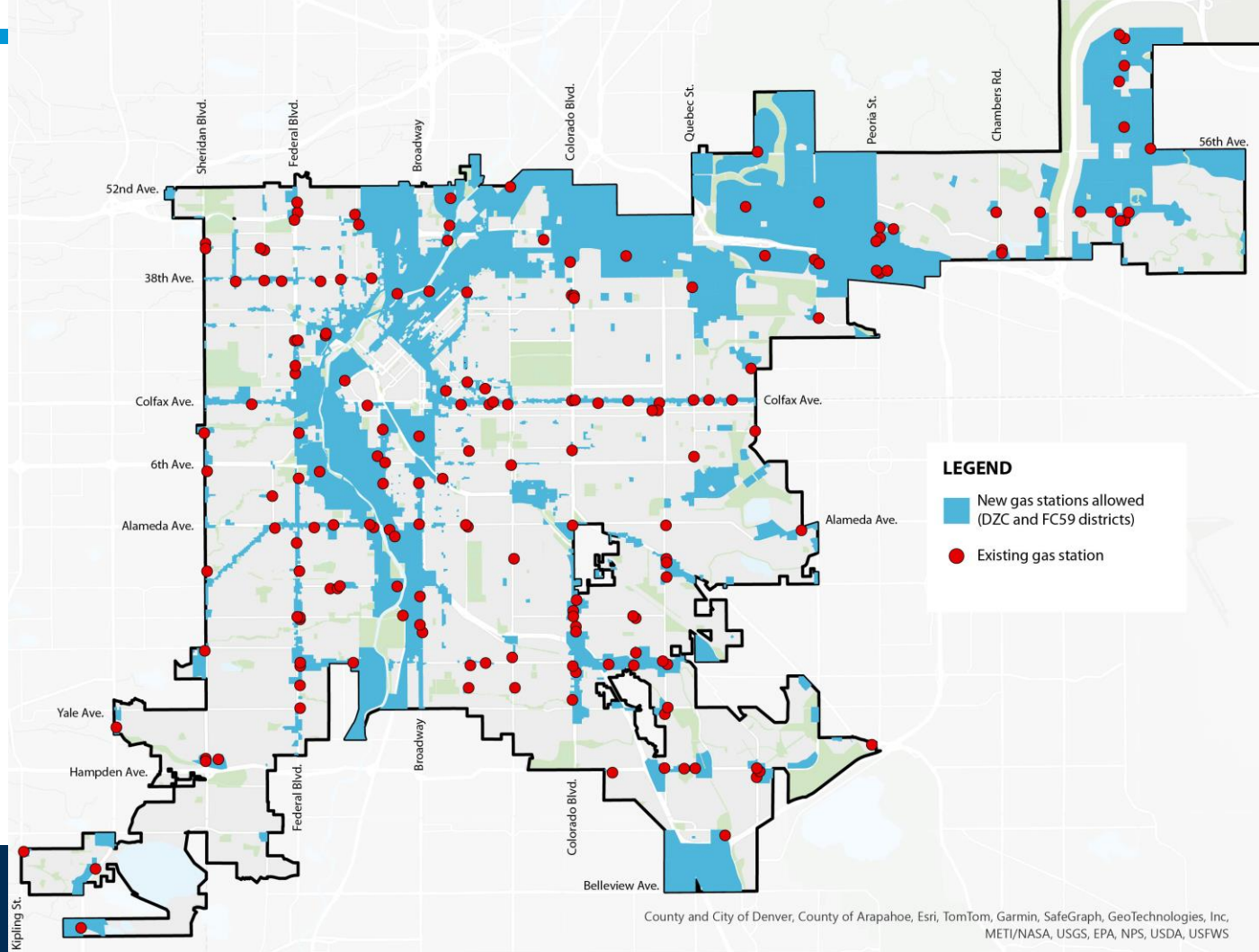
- Compliant uses are those that were legally established, but which no longer meet a DZC Use Limitation. Compliant uses may continue as-is, but may not be expanded.

Proposed Grace Period

The sponsors propose a provision in the adopting ordinance specifying that projects submitted for review before May 13, 2024 can continue under current rules.

Current Conditions

Map showing where gas stations can currently be established



For Illustrative Purposes Only. Reflects Denver Zoning Code areas only. All permit applications subject to review. Data may not reflect all existing gas stations

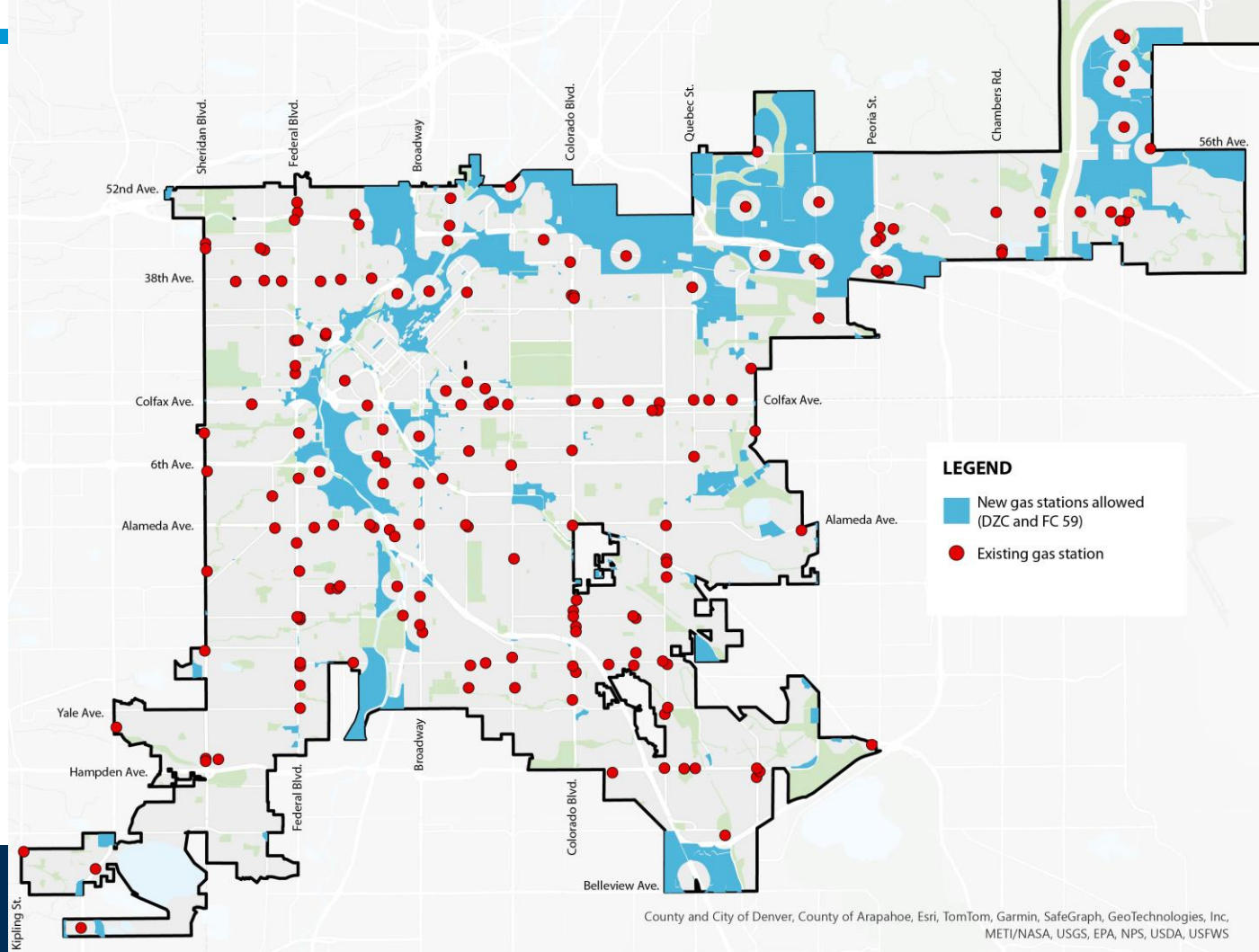
Text Amendment Proposal

This map shows where gas stations could be established if prohibited within ¼ mile of:

- existing gas stations
- rail transit platforms

And prohibited within 300 feet of:

- Protected Districts like SU, TU, RH



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Process – Outreach and Engagement

Public Meetings

- Discussed project at various RNO and community meetings
- District 4 open house – October 16, 2024

Other Engagement Points

- Council district social media accounts
- Council district newsletters
- Targeted stakeholder engagement including Energy Code stakeholders, the Colorado Wyoming Petroleum Marketers Association, 7/11, Quik Trip, Denver International Airport, Electric Era, Common Sense Institute, and affected property owners

Planning Board and City Council

- City Council Budget and Policy Committee update – May 13, 2024
- Planning Board info item – August 21, 2024

Process

- Sponsor request to CPD: Spring 2024
- Planning Board Info Item: 8/21/2024
- Courtesy Mailed Notice to commercial property owners: Sept. 2024
- Public Review Draft published: 11/7/2024
- Planning Board Hearing Notice: 12/2/2024
- Planning Board Public Hearing: 12/18/2024
 - Recommendation of Approval (5-0)
- **LUTI Committee: 1/7/2025**
- City Council Public Hearing: 2/18/2025*

* Anticipated dates are confirmed during the legislative review process

Public Comments

- All RNOs received written notice
- Postcards sent to approximately 18,000 property owners
- Approximately 89 comments received as of January 2, 2025
 - About 33% indicated support for the proposed text amendments, including the Colorado Wyoming Petroleum Marketers Association, citing agreement with the Sponsors' goals of preserving property for other types of development.
 - About 43% indicated opposition, citing concerns about property rights and competition
 - Other comments did not indicate a clear position on the proposed amendments.
 - Comments will be taken and included in the record up to the date of the City Council Public Hearing

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Text Amendment Criteria

- The criteria for review of this rezoning application are found in DZC Section 12.4.11.4 and include:
 - Consistency with Adopted Plans
 - Public Health, Safety and General Welfare
 - Uniformity of District Regulations and Restrictions

Comprehensive Plan: Strong and Authentic Neighborhoods

- **Goal 1: Create a mix of complete neighborhoods**
 - Strategy A: Build a network of well connected, vibrant, mixed-use centers and corridors
 - Strategy C: Ensure neighborhoods are safe, accessible and well-connected for all modes
 - Strategy D: Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.
 - **Goal 2: Enhance Denver's neighborhoods through high-quality urban design (p. 34).**
 - Strategy C: Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm.
 - Strategy D: Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life. (p. 34)
 - **Goal 4: Ensure every neighborhood is economically strong and dynamic.**
 - Strategy A: Grow and support neighborhood-serving businesses. (p. 34)
- ✓ Reduces the potential for new auto-oriented land uses that break up the pedestrian realm and conflict with goals for vibrant, mixed-use centers and corridors
- ✓ Preserves land that could be used for other neighborhood-serving business and amenities

Comprehensive Plan: Connected, Safe and Accessible Places

- **Goal 1: Provide a safe transportation system that serves all users.**
 - Strategy B: Build streets that are safe for everyone, especially for the most vulnerable, including the elderly, those with disabilities and children. (p. 40)
 - **Goal 3: Maximize the public right-of-way to create great places.**
 - Strategy A. Create streets to foster economic activity, contribute to great urban design and accommodate green infrastructure, including street trees (p. 40)
 - **Goal 8: Strengthen multimodal connections in mixed-use centers and focus growth near transit**
 - Strategy B. Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership. (p. 42)
- ✓ Reduces potential for auto-oriented development that does not achieve and often is in opposition to these goals
- ✓ Preserves land for mixed-use, transit-supporting development along key BRT corridors like Colfax and Federal

Comprehensive Plan: Environmentally Resilient

- **Goal 8: Clean our soils, conserve land and grow responsibly.**
 - Strategy B: Encourage mixed-use communities where residents can live, work and play in their own neighborhoods. (p. 52)
- ✓ Preserves land along key corridors that could be developed with a mix of uses including multi-unit and affordable housing that can help support existing and future transportation alternatives like bus rapid transit (BRT), rail and other services

Comprehensive Plan: Healthy and Active

- **Goal 3: Ensure access to affordable, nutritious and culturally-diverse foods in all neighborhoods**
 - Strategy A: Expand efforts to recruit and retain fresh-food retailers in low-income and underserved areas. (p. 56)
- ✓ Use limitations will exempt gas stations associated with a retail store that is 20,000 square feet or larger. Allowing this exception for larger stores could provide opportunities for the sale of groceries, home goods or other neighborhood-serving products within walking, rolling and bicycling distance of residential areas, including underserved, low-income neighborhoods.

Blueprint Denver: Land Use and Built Form

- **Policy 1: Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.**
 - Strategy A: Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers, Community corridors where transit priority streets are planned, and High and medium-high residential areas in the downtown and urban center contexts. (p. 72)
 - **Policy 2: Incentivize or require efficient development of land, especially in transit-rich areas.**
 - Strategy B: In transit-rich areas, including downtown, revise the zoning code to limit auto-oriented commercial uses that do not contribute positively to activating the public realm, such as mini-storage, drive-throughs and car washes. This may also apply to other desired mixed-use areas of the city, such as transit priority streets. (p. 72)
- ✓ Limits concentration of a land use type that does not contribute to activating the public realm, preserves land that could be developed with more transit-compatible uses.

Blueprint Denver: Land Use and Built Form, cont.

- **Policy 11: Implement plan recommendations through city-led legislative rezonings and text amendments.**
 - Strategy C: Use a robust and inclusive community input process to inform city-led rezonings and zoning code text amendments. (p. 79)
- ✓ Sponsors engaged with neighborhoods, gas station operators and industry organizations; sent a courtesy mailed notice to more than 18,000 commercial property owners (not required for text amendments)

Blueprint Denver: Land Use and Built Form, cont.

Housing Recommendations

- **Policy 8: Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts.**
 - Strategy C: Ensure land use regulations, small area plans and major transit investments support desired growth areas. (p. 86)

Mobility Recommendations

- **Policy 1: Encourage mode-shift — more trips by walking and rolling, biking and transit — through efficient land use and infrastructure improvements**
 - Strategy D: Increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity
 - Strategy E: Promote mixed-use development in all centers and corridors.
- ✓ Gas station designs for high vehicle maneuverability and throughput are inconsistent with adopted goals of designing for multi-mobility and the prioritization of people walking and rolling.
- ✓ Gas stations are an inefficient use of land compared to envisioned housing and mixed-use in centers and corridors

Blueprint Denver

Blueprint Denver Contains Three Major Equity Concepts

Integrating these concepts into planning and implementation will help to create a more equitable Denver.



Blueprint Denver: Equity

- **Concept 1: improving Access to Opportunity – Positive Impact**
 - ✓ Will limit the use of land in the city for gas stations, which may help preserve land for community serving uses like healthcare, housing and other quality-of-life necessities.
 - ✓ Exemption from limitations for gas stations associated with a larger-format retail store may help encourage expansion of food access in underserved areas
 - ✓ By reducing the prevalence of land uses that require multiple curb-cut access points and induce heavy traffic, corridors will be friendlier to people walking, rolling, or using transit services to access opportunities.

Blueprint Denver: Equity, cont.

- **Concept 2: Reducing Vulnerability to Displacement -- Neutral Impact**

- ✓ Would not directly impact housing costs or property values
- ✓ Would not displace existing businesses (existing gas stations could continue operation as Compliant use)

Blueprint Denver: Equity, cont.

- **Concept 3: Expanding Housing and Jobs Diversity – Neutral Impact**
 - ✓ Would help preserve land along transit corridors and in community centers that could be used for housing or higher-paying employment opportunities
 - ✓ Would not impact non-retail fueling uses for industry, railroads, bus fleets, etc.

Health, Safety and General Welfare

- ✓ Will slow the expansion and concentration of gas stations along corridors bordering vulnerable neighborhoods, which are already burdened by low access to healthy food, overconcentration of fast food outlets, increased air pollution and lack of tree canopy.
- ✓ Will reduce expansion of gas stations near residential zone districts surrounded by industrial areas in the “inverted L,” including at I-70 interchange locations where stations already exist.
- ✓ Reduce the concentration of uses that present dangers to pedestrians caused by on-site vehicle circulation and multiple roadway access points.
- ✓ Preserves land that could be used for active, community-serving uses, housing and higher-paying employment options

Uniformity of District Regulations

- ✓ This text amendment would result in uniform regulations applicable to Gas Stations within each zone district where they are allowed.

CPD Recommendation

CPD recommends that the City Council's Land Use, Transportation and Infrastructure Committee forward these proposed amendments to the full City Council for consideration.