



TO: Neighborhoods and Planning Committee of the Denver City Council
FROM: Sarah Showalter, Senior City Planner
DATE: September 10, 2014
RE: Zoning Map Amendment #2014I-00040
1550 W Colfax and 1400 Cottonwood St
Rezoning from I-MX-5, UO-2 to CMO-EI, UO-2

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for proposed map amendment #2014I-00040 for rezoning from I-MX-5 UO-2 to CMO-EI UO-2.

Request for Rezoning

Proposed Map Amendment:	#2014I-00040
Address:	1550 W Colfax Ave and 1400 Cottonwood Street
Neighborhood/Council District:	Lincoln Park / City Council District #9
RNOs:	La Alma/Lincoln Park Neighborhood Association; Santa Fe Drive Redevelopment Corporation; Northwest Quadrant Association; Inter-Neighborhood Cooperation; Denver Neighborhood Association
Area of Property:	35,742 SF (.8 acres)
Current Zoning:	I-MX-5, UO-2
Proposed Zoning:	CMP-EI, UO-2
Property Owner:	The State of Colorado
Contact Person:	Paul Garland (property owner representative)

Summary of Rezoning Request

The property proposed for rezoning is composed of two contiguous parcels located on the south side of the Colfax viaduct between Rio Court and Cottonwood Street in the La Alma/Lincoln Park statistical neighborhood. The site was formerly occupied by a one story commercial building and surface parking lot, which were recently demolished. The site contains an existing billboard sign that will remain in place. Both parcels are part of a larger area, approximately 13 acres in size, on the south side of Colfax that is being redeveloped by Metropolitan State University as an athletic complex for the Auraria Higher Education Center campus. The entire complex will include tennis courts, athletic fields, and an auxiliary athletics building. The property to be rezoned will contain a portion of a new baseball diamond, as well as a portion of an auxiliary athletics building that will include lockers, a weight room, and a multipurpose room.

The existing zoning for the site is I-MX-5 UO-2 (I-Industrial MX-Mixed Use 5-5 stories, UO-2 - Billboard Use Overlay). The existing zoning permits all of the athletic uses proposed and construction is already underway. The applicant is requesting to rezone the site so that it matches the zoning for the rest of the athletic complex, which is zoned CMP-EI UO-2 (Campus- Education/Institution, UO-2 – Billboard Use Overlay). The CMP-EI zone district is

in the Campus Context. This zone district is intended for institutions and campuses of larger area and scale, where additional flexibility is desired to accommodate the unified treatment of master planned campus elements such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, and signage. Development within the CMP-EI zone district is subject to the master plans and design guidelines of the institution – in this case, the Auraria Higher Education Center.

The purpose of the Billboard Use Overlay zone district (UO-2) is to maintain the status quo of entitlement for the maintenance and operation of billboard uses as those rights existed before June 25, 2010. It allows properties that had a billboard prior to the Denver Zoning Code adoption to maintain and operate such billboards, subject to compliance with the sign standards and limitations applicable to “outdoor general advertising devices” in Section 10.10.20.



An aerial of the site from 2012, before the building was demolished.

Existing Context

The site abuts West Colfax is surrounded by land that is part of the Auraria Higher Education Center (AHEC) campus. West Colfax Avenue, a major corridor that is identified as a Mixed Use Arterial in Blueprint Denver, contains a variety of uses in this area – including the campus to the north, industrial uses to the west of the site, and commercial uses to the east of the site.

To the west, the site is adjacent to industrial uses and Interstate-25. Immediately east of the site (just east of Rio Court) are RTD's light rail tracks. East of the tracks are a vacant parcel and commercial and residential uses along Colfax. To the southeast, there are more industrial uses and then residential uses, part of the Lincoln Park neighborhood, east of Osage.

The site and its surrounding area – both north and south of Colfax – are designated as an Area of Change in Blueprint Denver.

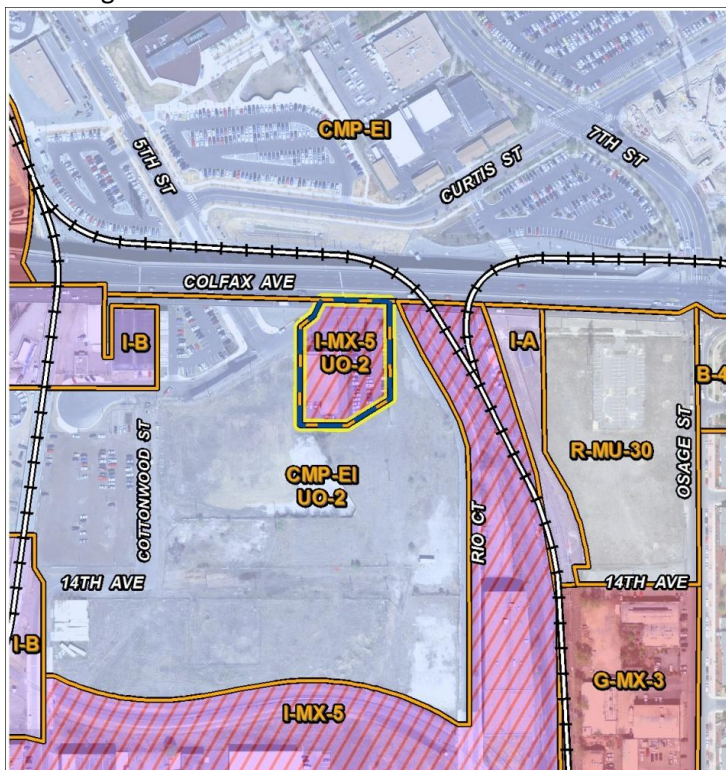
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	I-MX-5 UO-2	Vacant/under construction as athletic complex for campus	Area of Change Industrial
North	CMP-EI	Campus	Area of Change Campus
South	CMP-EI UO-2	Vacant/under construction as athletic complex for campus	Area of Change Industrial
East	CMP-EI UO-2	Vacant/under construction as athletic complex for campus	Area of Change Industrial
West	CMP-EI UO-2	Vacant/under construction as athletic complex for campus	Area of Change Industrial

Existing Zoning

The zoning to the north, across Colfax, as well as the zoning immediately surrounding the site is CMP-EI. The purpose of the rezoning request is to update the zoning for the subject property so that it matches the zoning for the rest of the AHEC, which is zoned CMP-EI. The UO-2 Billboard Use Overlay zone district is immediately adjacent to the site to the south, east, and west.

Further to the east, west, and south of the site, the zone districts that border the site are industrial districts including I-MX-5 and I-B.



Existing Zoning

Existing Land Use

The land uses adjacent to the site include campus to the north (across Colfax) and light industrial immediately to the west, south and east. There are some residential uses to the east and southeast of the site, on the other side of the light rail tracks. All of the land immediately abutting the site is currently being redeveloped as an athletic complex for the AHEC campus.

Existing Building Form and Scale

There are only a few existing buildings surrounding the site. These are one-story commercial and industrial buildings surrounded by surface parking. The scale and form of the buildings surrounding the site are shown in the images below.



*View of site (on the right)
with existing billboard.*



*One-story structure and
parking lot to the north of
the site (on the north side
of Rio Court)*



One-story structure to the southeast of the site, on the east side of Rio Court



View to the north of the site, under the Colfax viaduct, looking toward an existing structure on the AHEC campus

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:

Asset Management: Approved – No Comments.

Development Services – Fire Prevention: Approve Rezoning Only - Will require additional information at Site Plan Review.

Public Works – City Surveyor: Approved – No Comments.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on June 16, 2014.
- The property was legally posted for a period of 15 days announcing the August 6, 2014 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- Informational notice of the NAP agenda item was provided to affected members of City Council and registered neighborhood organizations on September 3, 2014.
- As of the date of this staff report, no comments from RNOs or the public have been received regarding this application.

Criteria for Review/Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.14

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

1. Comprehensive Plan 2000
2. Blueprint Denver – An Integrated Land Use and Transportation Plan (2002)
3. Auraria West Station Area Plan (2009)
4. La Alma/Lincoln Park Plan (2010)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Education Chapter, Vision of Success – *The City will continue to support and cooperate with Denver educational institutions so residents can benefit from the highest quality and greatest variety attainable.*

The proposed map amendment will enable expansion of a higher education campus at an infill location where services and infrastructure are already in place, in a manner compatible with the existing context. The rezoning is consistent with these plan recommendations.

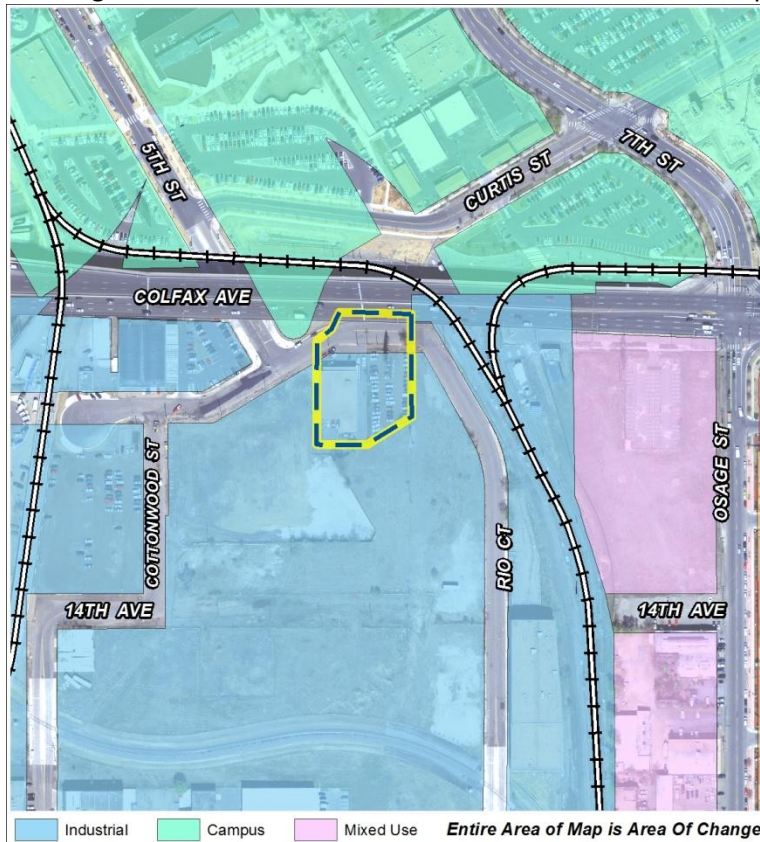
Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Industrial and is located in an Area of Change.

Future Land Use

When Blueprint Denver was adopted in 2002, the AHEC campus did not extend south of Colfax Avenue. In 2007, AHEC created a new master plan (the 2007 Auraria Campus Master Plan) that created a vision for a more urban campus that better integrates with the surrounding neighborhoods and downtown. In 2012, AHEC amended the master plan to reflect important changes that had occurred since 2007. One of those changes was the acquisition of approximately 13 acres of land to the south of the Colfax viaduct that would be developed as an athletic complex, composed primarily of fields.

Because the expansion of campus was not anticipated at the time of Blueprint Denver's adoption, the campus land use designation for the AHEC campus does not extend south of Colfax Avenue. Although the site is designated as an industrial land use in Blueprint Denver, the more recent Auraria Campus Master Plan (2007) and Auraria Campus Master Plan Update (2012), which were formed with input from the City of Denver and surrounding neighborhoods, call for the area to become part of the campus. The proposed rezoning to CMP-EI UO-2 would conform to those more recent plans.



Area of Change / Area of Stability

The site is in an Area of Change. In general, "The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment

would be beneficial ” (p. 127). The proposed CMP-EI UO-2 zone district will enable the expansion of the AHEC campus and promote cohesive redevelopment of the campus. It helps to channel growth within the campus area per the adopted campus master plan. The rezoning application is consistent with the Blueprint Denver Area of Change recommendations.

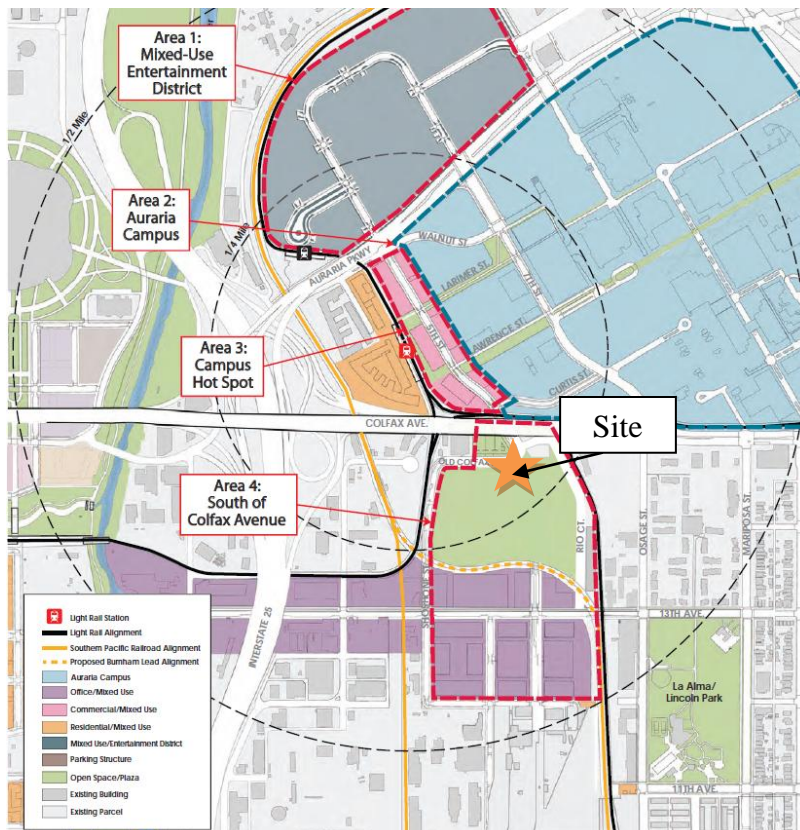
Street Classifications

Blueprint Denver classifies the elevated Colfax viaduct immediately north of the site as a Mixed-Use Arterial. Mixed-Use streets are “located in high-intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity”(p. 57). According to Blueprint Denver, arterials are major roadways “designed to provide a high degree of mobility and serve longer vehicle trips to, from and within major activity centers in Denver and the region.”

The portion of Colfax Avenue that directly borders the site to the north and provides access to the site is an Undesignated Local street in Blueprint Denver. According to Blueprint Denver, these streets provide access to adjacent properties only and are intended to serve relatively short trips at shorter speeds. The CMP-EI zone district is appropriate for both the mixed-use arterial and local street designations since the larger campus is part of a mixed-use area and the local Colfax Ave will provide direct, local access to the athletic complex.

Auraria West Station Area Plan (2009)

The Auraria West Station Area Plan, adopted in 2009, sets the vision for transit-oriented development (TOD) around the Auraria West light rail station, located near 5th Street between Larimer and Lawrence streets. The Station Plan specifically recommends that it be developed as athletic fields.



La Alma/Lincoln Park Neighborhood Plan (2010)

The La Alma/Lincoln Park Neighborhood Plan designates the site in the Parks, Open Space, Recreation land use category. It recognizes the 13.5 acres south of Colfax as the future AHEC athletic fields and calls the new fields an opportunity to attract more people to the area.



La Alma/Lincoln Park Neighborhood Plan (2010) – Land Use

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to CMP-EI UO-2 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.

5. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” As discussed above, AHEC purchased the property after 2007 as a planned location for new recreational fields to serve the campus. This change in ownership and change in planned use involved input from the La Alma/Lincoln Park neighborhood and is supported by the City’s adopted Auraria West Station Area Plan and the La Alma/Lincoln Park Neighborhood Plan, as well as the 2012 Auraria Master Plan Update. The change of ownership and land use as part of a larger redevelopment into a campus athletic complex for the campus is an appropriate justifying circumstance for this rezoning.

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

The requested CMP-EI2 zone district is a Special Context and District. There is no applicable neighborhood context description for the special contexts. The zone district intent in DZC 9.2.4.1 states that the Campus Education/Institution zone districts are intended for educational institutions, allowing flexible placement of buildings and unified treatment of site elements while providing compatible transitions between the campus and adjacent neighborhoods. Rezoning this site, which is already under ownership and development by the AHEC campus, to the CMP-EI2 zone district is consistent the intent of the zone district.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1550 W Colfax Ave and 1400 Cottonwood Street to CMP-EI2 UO-2 meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Application

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	The State of Colorado	Representative Name	Paul Garland
Address	Campus Box 67, P.O. Box 173362	Address	2301 Blake Street, Suite 100
City, State, Zip	Denver, CO, 80217	City, State, Zip	Denver, CO, 80205
Telephone	303-556-5712	Telephone	303-861-8555
Email	snesbitt@msudenver.edu	Email	paul.garland@davispartnership.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Parcel 2: 1550 W COLFAX AVE, Denver, CO 80204; and Parcel 3: 1400 COTTONWOOD ST, Denver, CO 80204		
Assessor's Parcel Numbers:	Parcel 2: 0504200029000, Parcel 3: 0504200042000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See Attachment		
Area in Acres or Square Feet:	Parcel 2: 0.4374 Acres Parcel 3: 0.3798 Acres		
Current Zone District(s):	I-MX-5, UO-2		
PROPOSAL			
Proposed Zone District:	CMP-EI, UO-2		

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

ATTACHMENTS

Please check any attachments provided with this application:

- ☒ Authorization for Representative
- ☒ Proof of Ownership Document(s)
- ☒ Legal Description
- ☒ Review Criteria

Please list any additional attachments:

1. Letter of Justifying Circumstances
2. Denver County Assessor Map
3. Parcel 2 Assessor Information
4. Parcel 3 Assessor Information
5. Parcel 2 & 3 Legal Descriptions
6. Title Commitment

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
The State of Colorado	Campus Box 67, P.O. Box 173362 Denver, CO, 80217 303-556-5712 snesbitt@msudenver.edu	100%	<i>Sean Nesbitt</i>	6/12/14	C	

April 29, 2014

ZONE MAP AMENDMENT (REZONING) - APPLICATION

Metropolitan State University of Denver – Athletic Complex at MSU Denver

Justifying Circumstance

The Metropolitan State University of Denver (MSU Denver) is proposing a redevelopment that will include the following amenities, tennis courts, a synthetic turf soccer field, a synthetic turf baseball field, a synthetic turf softball field, and lastly an auxiliary athletics building – which will house locker rooms, weight room, training room, concessions for pre-packaged goods, public restrooms, and a multi-purpose room. This proposed redevelopment will change and enhance the current conditions of the property.

In addition to the redevelopment project, MSU Denver is requesting CMP-EI zone along the Eastern section of West Colfax and Rio Court so that the entire development property can be consistent with a CMP-EI, UO-2 zone that already exists for the remainder of the property. The first phase of this project, which includes the tennis courts, has been installed and is currently zoned CMP-EI, while the second phase of the project, which encompasses the turf fields and athletics facility, contains the two existing zone districts of IMX-5, UO-2. Those two districts have been recommended by the City Project Coordinator to be rezoned to make one zone district. The Owner and City Project Coordinator have agreed that rezoning the properties will be beneficial for future considerations. The UO-2 designation will remain for both parcels due to the existing billboard that will remain.

This redevelopment is following the framework for environmental stewardship, equity, and engagement as set by Denver's Comprehensive Plan. We are achieving these goals by taking a previously developed brown field site and creating a place of activity and engagement. This development is a cornerstone piece in the development of the Auraria Campus and will become a staple of the surrounding community.

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