



TO: Denver City Council
FROM: Elizabeth Weigle, Senior City Planner
DATE: February 18, 2020
RE: Official Zoning Map Amendment Application #2019I-00130

Staff Report and Recommendation

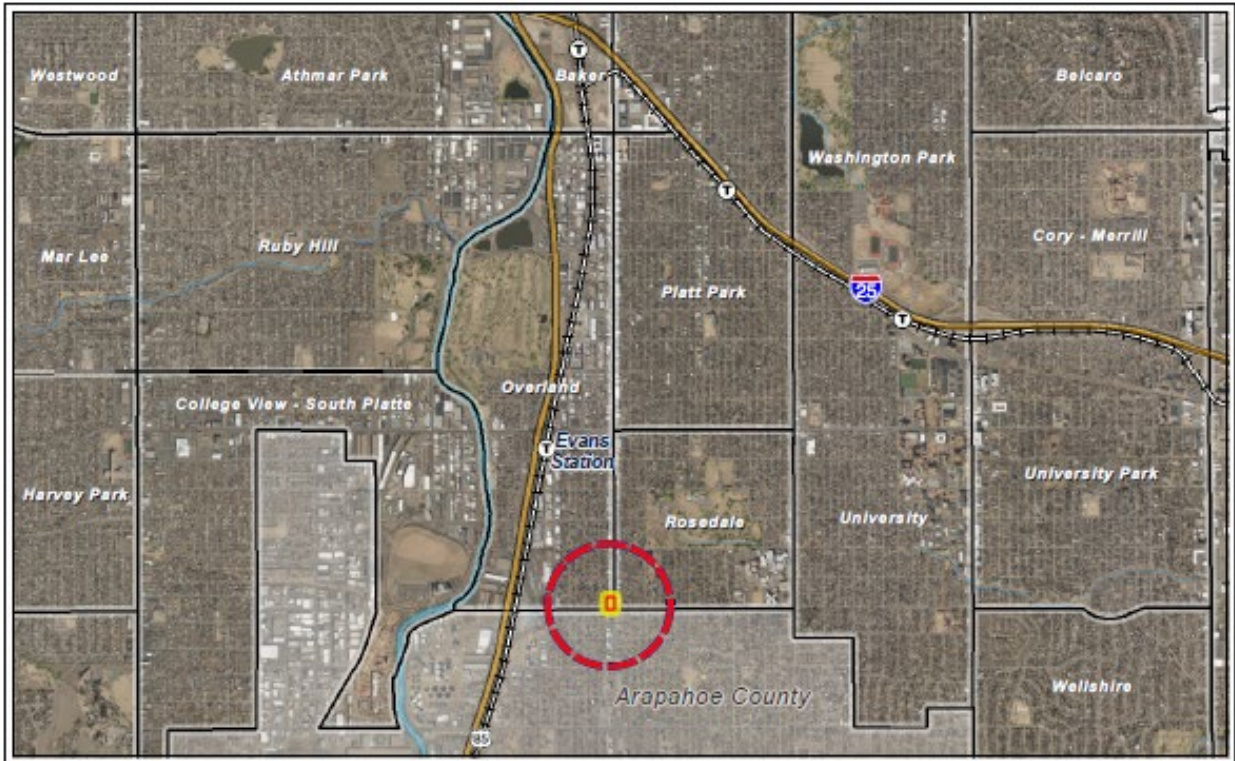
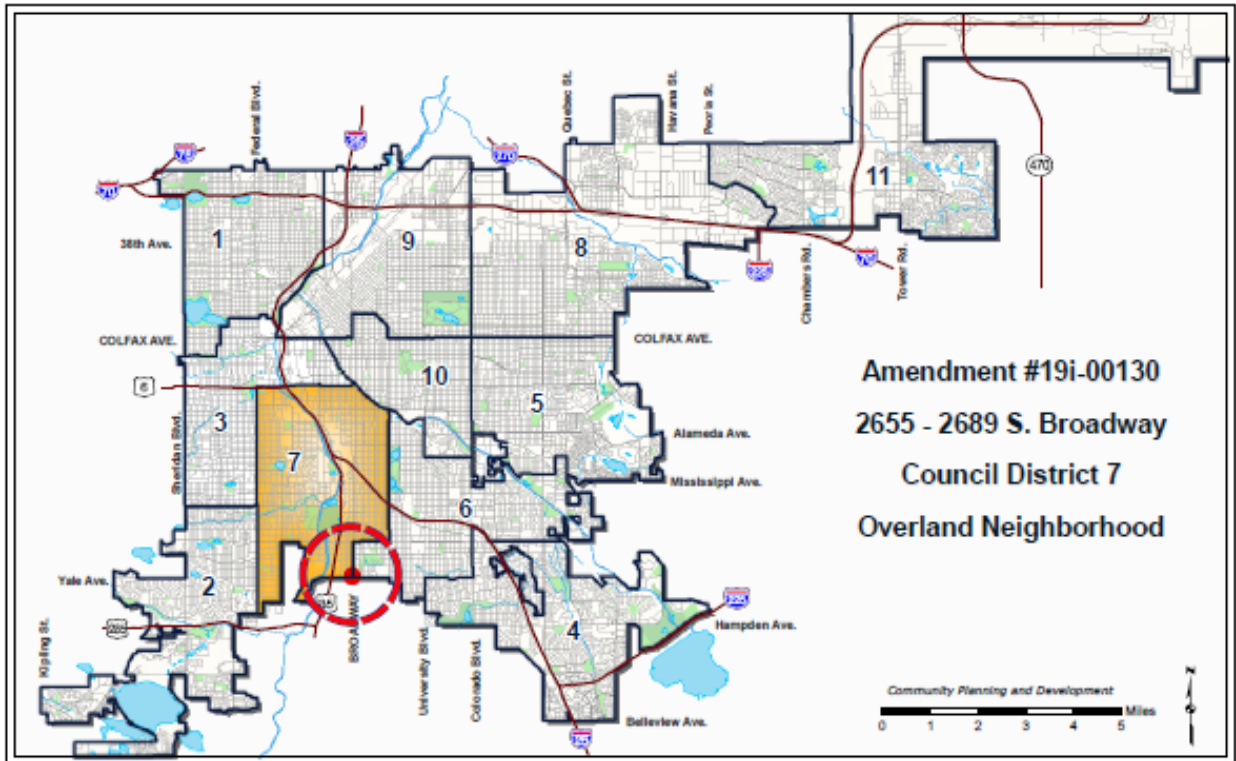
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00130.

Request for Rezoning

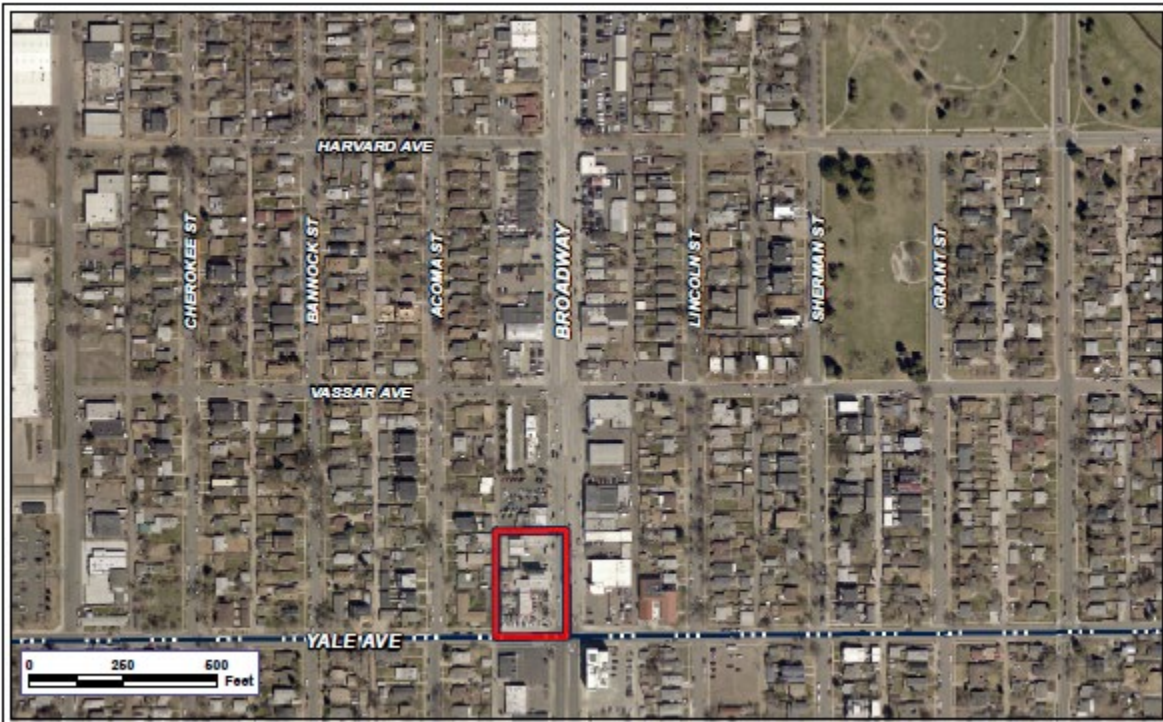
Address: 2655-2689 South Broadway Street
Neighborhood/Council District: Overland Neighborhood/ City Council District 7
RNOs: Overland Park Neighborhood Association; Rosedale Harvard Gulch Neighborhood Organization; Southwest Denver Unidos, Inter-Neighborhood Cooperation (INC)
Area of Property: 31,249 square feet or 0.717 acres
Current Zoning: U-MX-3, UO-1, UO-2
Proposed Zoning: U-MS-5, UO-1, UO-2
Property Owner(s): Flywheel Yale LLC
Representative: Zell Cantrell, Galloway & Company, Inc.

Summary of Rezoning Request

- The proposed rezoning is in City Council District 7 in the Overland Park Neighborhood. The subject property is 31,249 square feet on South Broadway Street on the northwest corner of West Yale Avenue and South Broadway Street.
- The property contains six commercial structures. The northern three structures were built in 1931 and the southern three structures were built in 1895. The applicant is applying for a rezoning to redevelop the property with ground-level retail and four stories of residential above the retail uses.
- The U-MS-5 zone district is **U**rb**a**n, **M**ain **S**treet, **5**-story and the proposed UO-1 and UO-2 overlays would carry forward the existing entitlement for adult land uses and an existing billboard. The 5-story allowed height equates to 70 feet. The Urban Neighborhood Context is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located primarily along mixed-use arterials or on main streets. Within the U-MS-5 zone district the Town House and the Shopfront primary building forms are allowed and Drive Thru Services and Restaurants are allowed unless the zone lot is within ¼ mile of the outer boundary of a Rail Transit Station Platform. The subject property is not within ¼ mile of the boundary of a rail transit platform. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).



Existing Context



Map Date: November 20, 2019

The subject property is in the Overland statistical neighborhood, which has primarily industrial land uses with a mixture of single- and two-unit residential uses surrounded by either industrial, commercial or park land uses. South Broadway forms the eastern boundary of the neighborhood and the South Platte River forms the western neighborhood boundary. Mississippi Avenue forms the northern boundary of the neighborhood and Yale Avenue forms the southern boundary. There is a pattern of rectangular blocks shaped by a street grid pattern. A nearby bus stop on the east side of Broadway at Yale includes a stop for the route 0 and 0 Limited bus lines on South Broadway Street with 5-10 minute headways. The subject property is two blocks southwest of City of Kunming and Rosedale Park, and 8 blocks west of Porter Hospital and $\frac{1}{2}$ block west of Swallow Hill Music. South Santa Fe Drive is 6 blocks to the west and the South Platte River is 8 blocks to the west.

State Home Park Mountain View Plane

The subject property is within the State Home Park Mountain View Plane. The view plane allowed height is 76 feet.

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 | U-MX-3, UO-1, UO-2 | Commercial | 1-story commercial buildings with 0-40 ft. setback | Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (no alley access). |
| North | U-MX-3, UO-1, UO-2 | Commercial | 1-story commercial building with no setback | |
| South | MU-B-2 (Englewood – Mixed Use Arterial Business District, allowing height up to 60 ft.) | Commercial | 1-3 story commercial buildings with 0-75 ft. setback | |
| East | U-MX-3, UO-1, UO-2 | Commercial | 1-story commercial building with moderate setback | |
| West | U-TU-C | Single & Two-unit residential | 1-2 story residential buildings with moderate setback | |

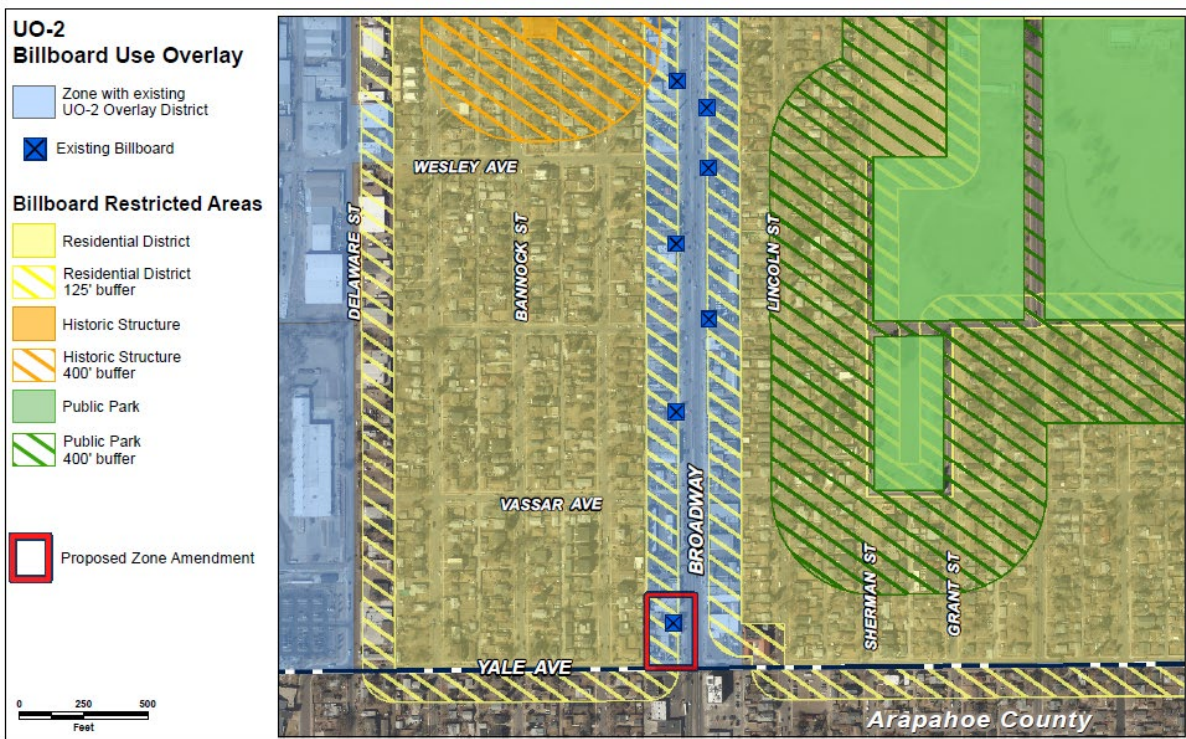
1. Existing Zoning



Map Date: November 20, 2019

The subject site is currently zoned U-MX-3, UO-1, UO-2. U-MX-3 is a mixed use zone district allowing the Town House and the Shopfront primary building forms with Drive Thru Services and Restaurants allowed unless the zone lot is within ¼ mile of the outer boundary of a Rail Transit Station Platform. The district allows a maximum height of 38-45 feet. The district allows a variety of residential, civic, and commercial land uses. The proposed UO-1 and UO-2 overlay district will carry forward the existing entitlements allowing adult uses and the existing billboard, subject to limitations. See the UO-2 Billboard Use Overlay map below. The hashed areas on the map are areas where new billboards would not be allowed.

UO-2 Billboard Use Overlay



Map Date: November 20, 2019

2. Existing Land Use Map



Map Date: November 20, 2019

Land Use Data Compiled 2018

3. Existing Building Form and Scale



Subject Properties



Northern Property



Southern Property



Eastern Property



Western Property

Source: Google Maps

Proposed Zoning

The U-MS-5 zone district allows Town House and Shopfront primary building forms with Drive Thru Services and Restaurants allowed. Build to ranges from zero to five or ten feet and upper story setbacks apply adjacent to the rear protected U-TU-C zone district.

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

| Design Standards | U-MX-3 (Existing) | U-MS-5 (Proposed) |
|--|--|---|
| Primary Building Forms Allowed | Town House, Drive Thru Services*, Drive Thru Restaurant*, General, Shopfront | Town House, Drive Thru Services*, Drive Thru Restaurant*, Shopfront |
| Height in Stories/Feet (max) | 3/38-45 feet** | 5/70 feet |
| Primary Build-To Percentages (min) | 70-75%** | 75% |
| Primary Build-To Ranges | 0/15; 10/15 feet** | 0/5 feet; 0/10 feet** |
| Primary Setbacks (min) | 0'-10'** | 0'-10'** |
| Protected District: Rear Setback (alley) | 0 feet | 0 feet |
| Upper Story Setback Above 27 Feet Adj. to Protected district (alley) | 15 feet | 20 feet |
| Upper Story Setback Above 51 Feet Adj. to Protected district (alley) | N/A | 35 feet |

*Building form not allowed within a ¼ mile of a transit station platform. The subject site is not within 1/4 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 Environmental Health: Approved – No Comments.

Parks and Recreation: Approved – No Comments.

Public Works – ROW - City Surveyor: Approved – No comments.

Development Services - Transportation: Approve – 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: | 09/23/19 |
| 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: | 12/02/19 |
| Planning Board public hearing and a unanimous (7-0) vote to recommend approval: | 12/18/19 |
| 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: | 12/23/19 |
| Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward: | 01/07/20 |
| 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: | 01/28/20 |
| City Council Public Hearing: | 02/18/20 |

- **Registered Neighborhood Organizations (RNOs)**

The applicant provided a letter of support from the Overland Park Neighborhood Association (OPNA), which is attached to the staff report. The applicant and OPNA have signed a Good Neighborhood Agreement, which includes a commitment that at least 10% of all housing units will be affordable at 80% Area Median Income.

To date, staff has received no other comment letters from Registered Neighborhood Organizations.

- **Other Public Comment**

One comment in support was submitted and is attached to the 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)
- Overland Neighborhood Plan (1993)

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 and a mix of housing types adjacent to South Broadway Street, a high capacity transit corridor. The application is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).

Similarly, the proposed U-MS-5 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods around transit corridors. And the redevelopment of the commercial structures contributes to the city's network of well-connected mixed use corridors and it 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 B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (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).

The proposed rezoning would enable infill development at a location where services and infrastructure are already in place. The requested U-MS-5 zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore the rezoning is consistent with *Denver Comprehensive Plan 2040 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 proposed U-MS-5 rezone district would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods around transit corridors expressed in Comprehensive Plan 2040.

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 a Community Corridor place within the Urban Neighborhood Context and provides guidance for the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



Map Date: November 20, 2019

The subject property is within the Urban Context. These areas “are largely residential, with low- and mid-scale mixed-use areas along Community Corridors. Small, embedded local centers are also common because of the development of many urban neighborhoods during the street car era.” (p. 225). Community Corridors “typically provide some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city” (p. 227). The proposed U-MS-5 is within the Urban Neighborhood Context, which is “primarily single-unit and two-unit residential uses, small-scale multi-unit and commercial areas, both embedded and located along mixed use arterials and main streets” (Section 5.1.1, DZC). The proposed zone district allows a mix of residential and commercial land uses typical of this context. Therefore this request is consistent with the Blueprint Denver Future Neighborhood Context plan direction.

Blueprint Denver Future Places



Map Date: November 20, 2019

According to *Blueprint Denver*, Community Corridor areas provide a mix of office, commercial and residential uses with a wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. These areas have a distinctly linear orientation along the street and a typically higher lot coverage. Building heights are generally up to 5 stories (p. 228). These corridors are typically part of the transit priority street network and pedestrian priority are common. On these corridors main streets provide an expanded sidewalk and amenity zone that includes such items as trees and plantings, providing a buffer between pedestrians and traffic. The proposed U-MS-5 allows a mixture of land uses that are common to these types of corridors and allows the envisioned 5-story building height. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* Future Places plan direction.

Street Types

Blueprint Denver 2019 classifies South Broadway Street as a Main Street Arterial street, which is “characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian oriented with little front setback, a continuous street wall and high transparency. Street level uses are highly activated” (p. 159). Arterial streets “are designed for the highest amount of through movement” (p. 155) of traffic. Broadway Street is also a designated high capacity transit street which functions as part of the citywide network of prioritized transit. Yale Avenue is an Undesignated Local street “with the highest degree of property access”. The subject property is on a Main Street Arterial street. The proposed main street zone district is consistent with the *Blueprint Denver* street type plan direction.

Growth Strategy



Map Date: November 20, 2019

The subject property is part of an area designated “Community Centers and Corridors” future growth area in *Blueprint Denver*. These areas are projected to account for 20 percent of job growth and 25 percent of new households in the city by 2040. The proposed rezoning will provide both additional housing and commercial jobs, which is an appropriate change given these growth goals. Therefore this rezoning is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

Overland Neighborhood Plan (1993)

The Overland Neighborhood Plan was adopted by City Council in 1993, and the plan area includes the subject property. The plan describes the neighborhood as a mixture of industrial, commercial, park and residential land uses with industrial uses being the predominate land use, and parks and recreation the second most predominate land use. The Plan covers several broad topics, including Land Use and Zoning, and Economic Development. Plan recommendations include:

- Land Use and Zoning, LZ-2: *“Encourage commercial and industrial businesses to invest in beautification programs for their own business and also invest in neighborhood clean-up programs”* (P. 13).
- Economic Development, ED3: *“Encourage an integrated business signage program for the Broadway business corridor”* (p. 41).
- Economic Development, ED4: *“Support joint marketing efforts within the business community”* (p. 41).
- Economic Development, ED5: *“Secure funding for an Urban Design Corridor Study for the Broadway Business corridor”* (p. 41).

The proposed U-MS-5 zone district retains the existing zoning standards allowing a mixture of land uses and allows redevelopment of an auto-oriented commercial use to provide ground floor retail and four stories of residential units. The redevelopment represents an upgrade of the property and the Broadway commercial area. With the 2010-2013 completion of roadway and streetscape improvements in the Broadway corridor the Overland Plan recommendations encouraging investment in the commercial corridor and study of the urban design of the corridor have been realized and advanced to include the physical improvements to the corridor. The U-MS-5 zone district adds the ability to increase the mix of housing types in the area. The zone district allows the redevelopment of the property to further contribute to the reinvestment on the corridor. This enhances the existing neighborhood character by adding amenities, so residents can live, shop and work close to home. This is in conformance with the Overland Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-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 of the City through implementation of the city’s adopted land use plans. The proposed rezoning could also increase the number and mix of housing in an enhanced transit corridor, and the district includes building form standards that will ensure pedestrian-friendly design.

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 change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan...”*

The applicant cites recent changes in the surrounding (U-TU-C) area including the replacement of single-unit homes with two-unit three story units representing an increase in density in the area. The applicant states the increased density can be seen on Broadway from Broadway and I-25 to Hampden and I-25, and in the City generally. And finally, the applicant cites revitalization along Broadway that has changed the character of the corridor from parking lots and auto-oriented commercial uses. Staff has identified permits for 61 new dwelling units within a 2-3 block area of the proposed rezoning since 2015, as well as increased site plan review activity in proximity to both the Broadway and Evans transit stations. These changes provide additional residential density within walking distance of the Broadway Community Corridor. In addition to these changes from 2010 to 2013 17 blocks of South Broadway between Arizona and Yale Avenues have been reconstructed widening the roadway, creating a raised center median, providing major streetscape improvements like new sidewalks, coordinated street furniture, bike racks, pedestrian lighting and landscaping of the entire corridor.

Additionally, Blueprint Denver 2019 was adopted since the 2010 zoning of the property. In the Blueprint Denver 2002 Plan the property had a recommended concept land use of Mixed Use in an Area of Change. As noted earlier in this staff report, *Blueprint Denver 2019* includes more explicit direction recommending a Community Corridor place type on a Main Street Arterial street and high capacity transit street with a recommended building height of up to 5 stories. Therefore, the proposed map amendment is justified to recognize these changes.

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

The requested U-MS-5 district is within the Urban Neighborhood Context, which is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located along mixed-use arterials or on main streets. Buildings are generally low to mid-scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 5.1). The subject site is in an area that reflects these characteristics. Therefore, the proposed rezoning to U-MS-5 is consistent with the neighborhood context description.

The general purpose of the Urban main street districts is to *“promote safe, active and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge, and that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering.”* The building form standards *“are intended to promote an urban, mixed-use, built-to environment”* where *“buildings have a shallow front setback range and the build-to requirements are high and the maximum building coverage is significant”* (DZC 5.2.5.1). The proposed U-MS-5 district would allow for compatible infill development fitting with the character of the surrounding commercial corridor. Therefore, it is consistent with the Urban Main Street District purpose statements.

The specific intent of the U-MS-5 district is the district “*applies primarily to collector and arterial street corridors or may be embedded within a larger commercial shopping center or mixed use area, where a building scale of 1 to 5 stories is desired*” (DZC 5.2.5.2.D). The subject site is located on a mixed use arterial street and, therefore, the proposed map amendment is consistent with the U-MS-5 intent.

Attachments

1. Application
2. Legal Description
3. Public Comments