



TO: Denver City Council
FROM: Libbie Glick, Senior City Planner
DATE: January 4, 2024
RE: Official Zoning Map Amendment Application #2022I-00047

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00047.

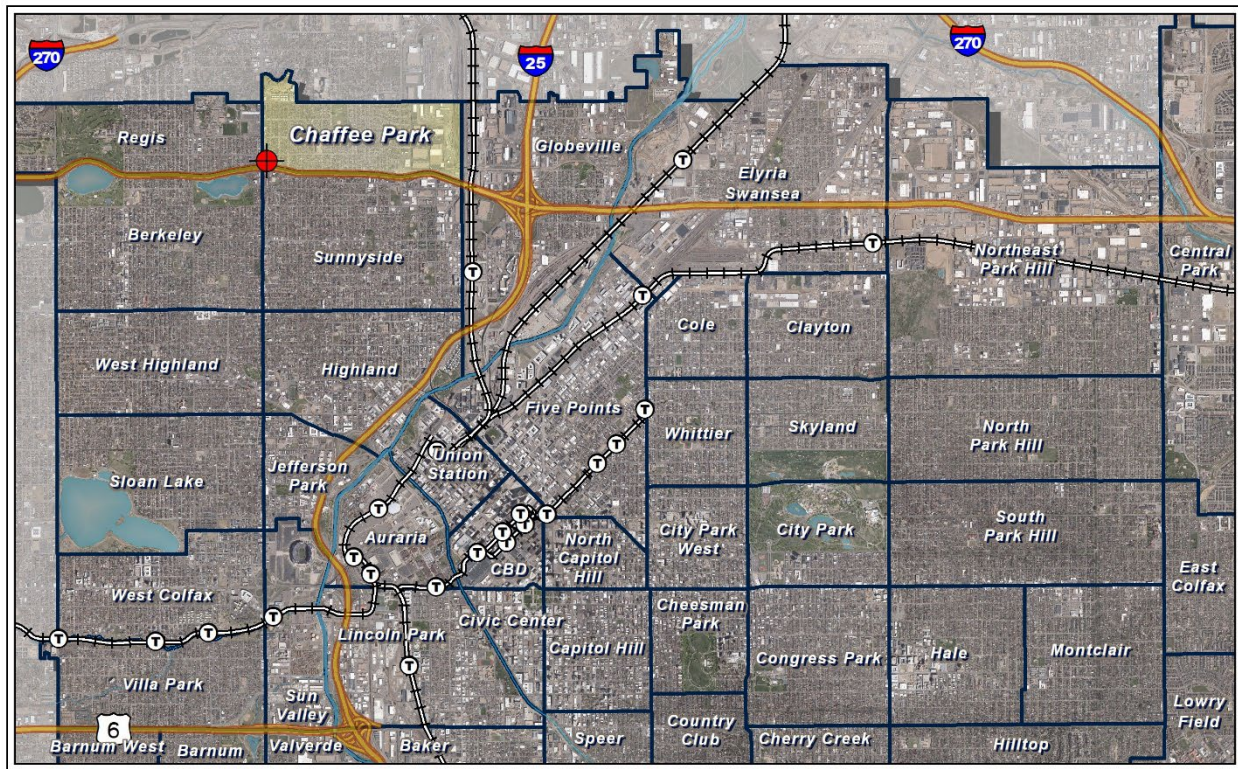
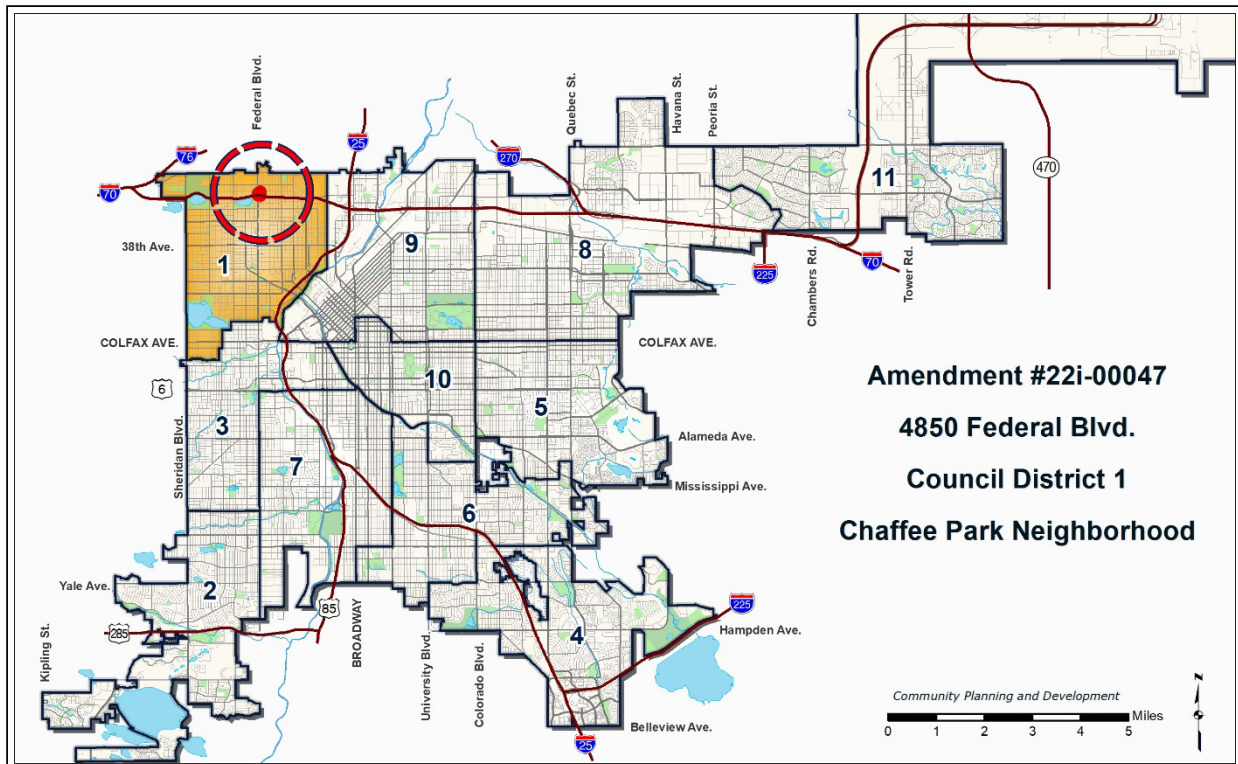
Request for Rezoning

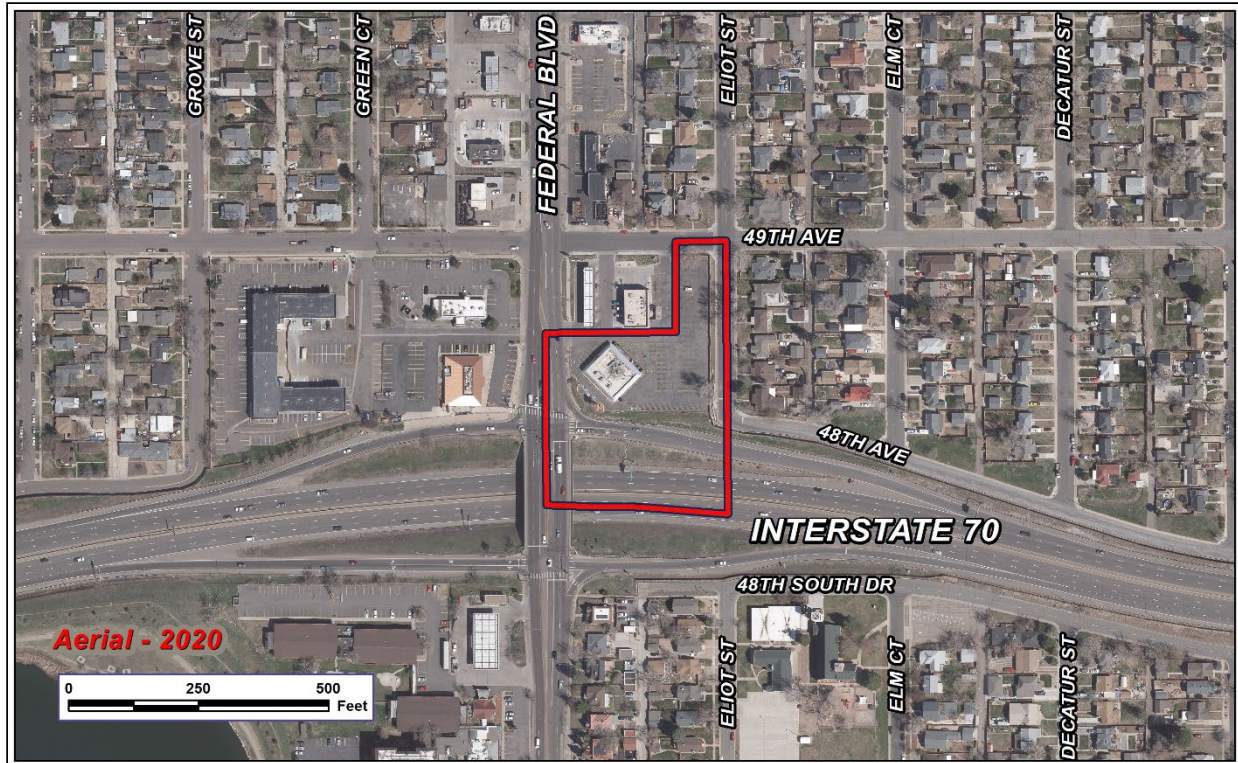
Address: 4850 North Federal Boulevard
Neighborhood/Council District: Chaffee Park / Council District 1
Councilwoman Amanda Sandoval
RNOs: Chaffee Park RNO, Berkeley Regis United Neighbors, Sunnyside United Neighbors Inc., Unite North Metro Denver, and Inter-Neighborhood Cooperation (INC)
Area of Property: 49,573 square feet or 1.13 acres
Current Zoning: B-3 and P-1
Proposed Zoning: E-CC-3x
Property Owner(s): Twin Star Energy, LLC
Owner Representative: Emily Fenton, Kimley Horn

Summary of Rezoning Request

- The proposed rezoning is in the Chaffee Park statistical neighborhood on the northeast corner of Federal Boulevard and Interstate-70.
- The subject property contains a one-story structure which formerly served as a restaurant but is now a vacant use and surface parking.
- The proposed rezoning is intended to facilitate redevelopment of the site. The applicant is interested in developing a drive through restaurant on the site.
- The E-CC-3x (Urban Edge, Commercial Corridor, 3-story x) zone district allows a mix of uses in the urban edge context and applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than E-CC-3. Further details of the requested zone district can be found in Article 4 of the Denver Zoning Code (DZC).

Existing Context





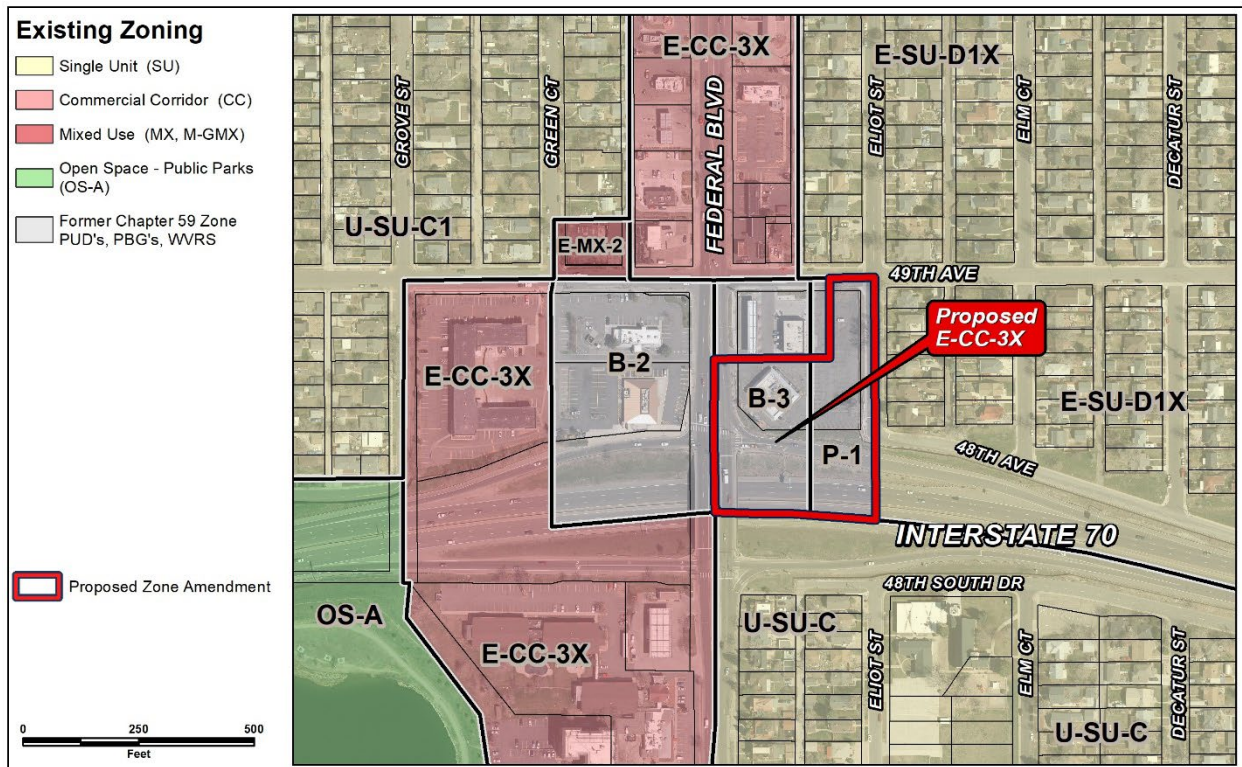
The subject site is located on the southwestern edge of the Chaffee Park neighborhood and is surrounded by streets on all four sides. This neighborhood is primarily single-unit residential uses with commercial uses located along Federal Boulevard. A consistent street grid with alley access exists. The area consists of primarily one- to two-story commercial structures along Federal Boulevard. RTD Bus Route 31 serve the Federal Boulevard corridor with a 10-minute headway.

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	B-3 and P-1	Commercial	1-story structure with medium setbacks and surface parking near Eliot Street.	Consistent regular street grid patterns with attached sidewalks and alleys.
North	B-3	Commercial	1-story gas station with convenience store.	
South	U-SU-C, CO-7	Single-unit Residential	1-story single-unit homes with attached sidewalks.	
West	B-2	Commercial	1-story structure used for a restaurant. Surface parking existing between the street	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			and building and sidewalks are attached.	
East	E-SU-D1x	Single-unit Residential	1-story single-unit homes with attached sidewalks.	

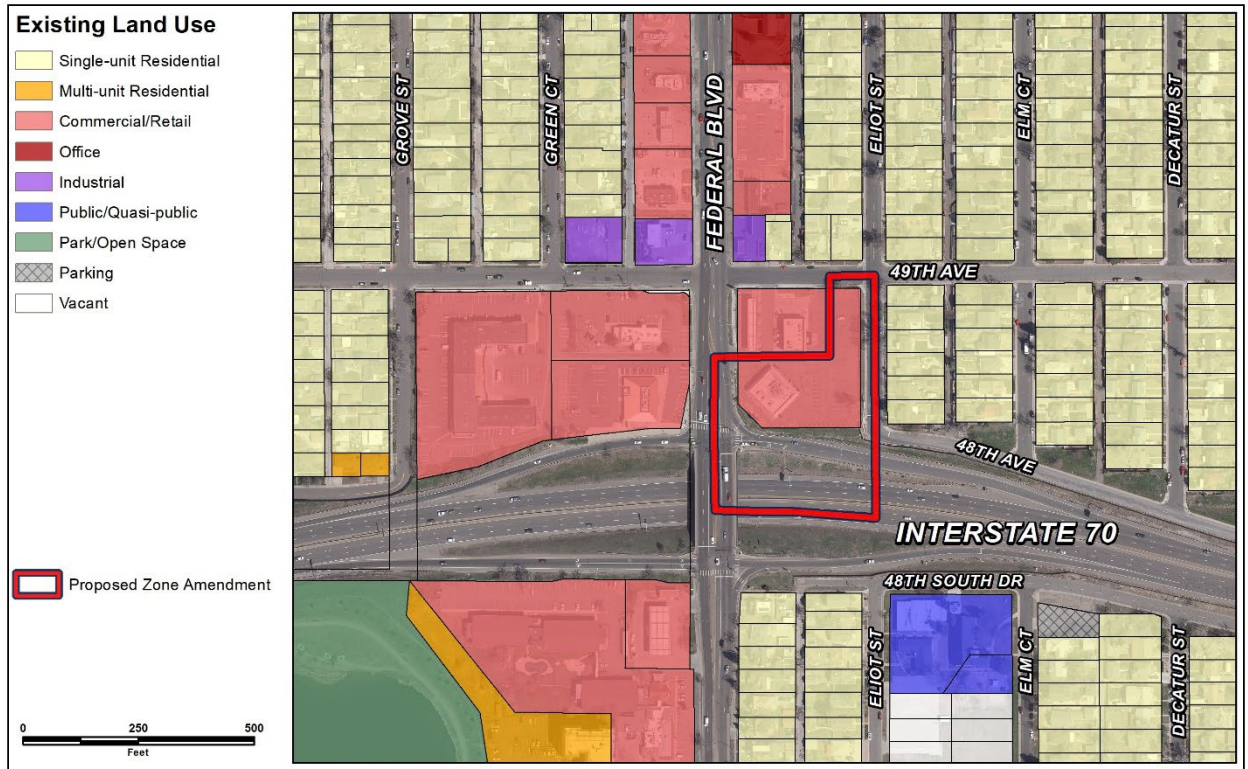
1. Existing Zoning



The current zoning of the subject site is B-3 and P-1. The B-3 zone district is a Former Chapter 59 shopping center district that provides for retail and services that satisfy household and personal needs of the residents of surrounding residential communities. The zone district is typically located on major arterial or collector streets. The building height is controlled by bulk standards and open space requirements. The building floor area cannot exceed the site area (1:1 FAR).

The P-1 district is a parking zone district in the Former Chapter 59 zoning code that only allows for parking of vehicles and railway right of way.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images from Google Maps Street View.



Subject site facing east from Federal Boulevard.



Gas station located directly north of the subject property, facing east from Federal Boulevard.



Restaurant use directly west of the subject property, across Federal Boulevard, looking west.



Single-unit residence, south of I-70 and the subject property, looking east from Federal Boulevard.



Single-unit residences across Eliot Street from the subject property, looking east from Eliot Street.

Proposed Zoning

The requested E-CC-3x is a commercial corridor district within the urban edge context that allows heights up to 3 stories and the “x” signifies less intensive uses to protect nearby residential areas. Commercial Corridor districts address development opportunities next to the city’s most auto-dominated corridors. They are intended to balance the need for safe, active and pedestrian-scaled, diverse areas with the need for convenient automobile access. They are also intended to ensure new development contributes positively to established residential neighborhoods and character and improve the transition between commercial development and adjacent residential neighborhoods.

While Mixed Use and Main Street districts align closer to plan guidance than the proposed Commercial Corridor district, the E-CC-3x district will have less of an impact on the surrounding area for this unique site. This site abuts multiple street frontages that would all require a build-to in the Mixed Use and Main Street districts resulting in a larger structure closer to the residential areas. The E-CC-3x district does not require a side street build-to, which allows any future structure to be smaller and closer to Federal Blvd. For additional details of the requested zone district, see Article 4 of the Denver Zoning Code.

The primary building form standards for the proposed zone district are summarized below.

Design Standards	B-3 (Waivers)	E-CC-3x (Proposed)
Primary Building Forms Allowed	n/a	Drive Thru Services*; Drive Thru Restaurant*; General
Height in Stories/Feet (max)	n/a	3/45'
Height in Stories/Feet with incentives (max)	n/a	4/55'
Primary Street Build-To Percentages (min)	n/a	50% or n/a**
Primary Street Build-To Ranges	n/a	0' to 80' or n/a**
Primary Street Setbacks (min)	5'	0'
Floor Area Ratio	1:1	N/A

*Building form not allowed within ¼ mile of a transit station platform (the subject site is not within ¼ mile of a transit station platform, and, therefore, the drive thru forms are allowed)

**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 – See comments below:

20ft parkway setback will still apply

Department of Transportation and Infrastructure – R.O.W. - City Surveyor: Approved – No Comments.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below.

There is no objection to the rezone. Proposed development is currently under review. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Development requirements are outlined in SDP, SSPR and EC plans for Wastewater.

Development Services – Project Coordination: Approve Rezoning Only – Will require additional information at Site Plan Review.

The Zoning Administrator, as part of the Site Development Review, will require a garden wall along the north and east Zone Lot lines based on DZC Section 12.4.3.3.E.

Development Services – Fire Prevention: Approved – No Response.

Development Services – Zoning Administration: Approve – No Comments

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:	8/1/2022
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:	9/19/2023

Planning Board Public Hearing (The Planning Board voted unanimously to recommend approval of this rezoning, after a lengthy discussion about current plan guidance for the site and how that guidance may be updated by the Near Northwest Area Plan. The Board also prepared a Documentation of Deliberation summarizing this discussion, which has been added to the Legistar record for this case and is also attached to this report.)	10/4/2023
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 (10) working days before the meeting:	10/2/2023
Land Use, Transportation, and Infrastructure Committee of the City Council:	10/17/2023
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:	11/6/2023
City Council Public Hearing (City Council postponed hearing from 12/4/23):	1/8/2024

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

To date, staff has received one letter in opposition from the Chaffee Park Neighborhood Association citing concerns that this would bring commercial uses closer to Eliot St. Additionally, a drive-thru is inconsistent with the Near Northwest Area Plan that is set to go before City Council later this month.

- **General Public Comments**

To date, staff has received seven comments from members of the public, five in opposition and one in support. The residents in opposition cited concerns around another drive-thru restaurant in the area and the increased air pollution that another fast-food restaurant will create. The resident in favor of the proposed rezoning cites a need for more density and retail options in the area.

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 site:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Federal Boulevard Corridor Plan (1995)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with the following adopted *Denver Comprehensive Plan 2040* goals and strategies. The following goals apply from the Equitable, Affordable, and Inclusive vision element:

- 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).*

The proposed map amendment is consistent with the *Comprehensive Plan 2040's* Equitable, Affordable and Inclusive Goal to ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. The E-CC-3x zone district allows for a variety of uses including public services, cultural, commercial, and residential uses. The list of permitted uses will provide basic services and amenities to the residents in the surrounding neighborhoods. The rezoning is, therefore, consistent with the above goal in the Equitable, Affordable, and Inclusive vision element.

The following goals and strategies apply from 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).*

The requested map amendment will enable additional mixed-use development at an infill location which is consistent with the strategies in the Strong and Authentic vision element.

Similarly, the proposed legislative rezoning meets the following strategies in the Environmentally Resilient vision element:

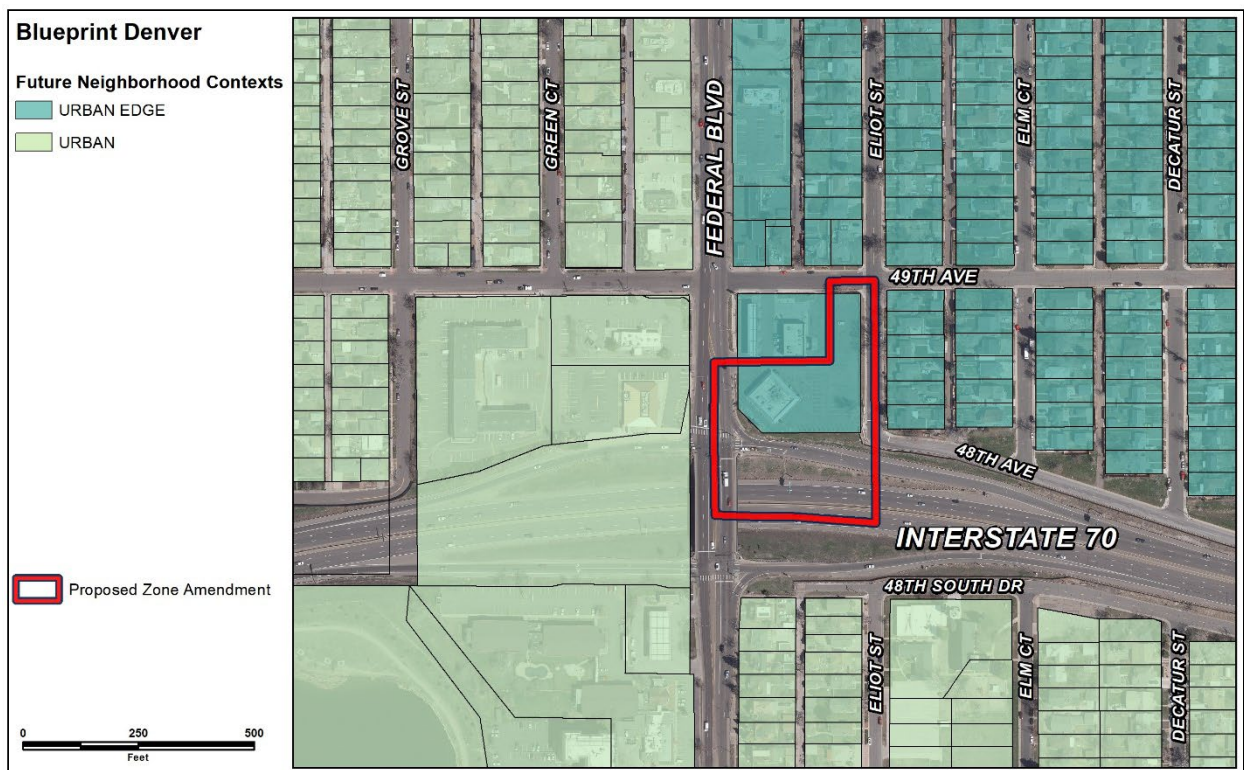
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p.54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods* (p. 54).

The site is an infill location where infrastructure is already in place and provides services in proximity to residential neighborhoods, which is consistent with the above strategies in the Environmentally Resilient vision element. The requested E-CC-3x zone district allows a variety of uses that support residents living, working and playing in the area; therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

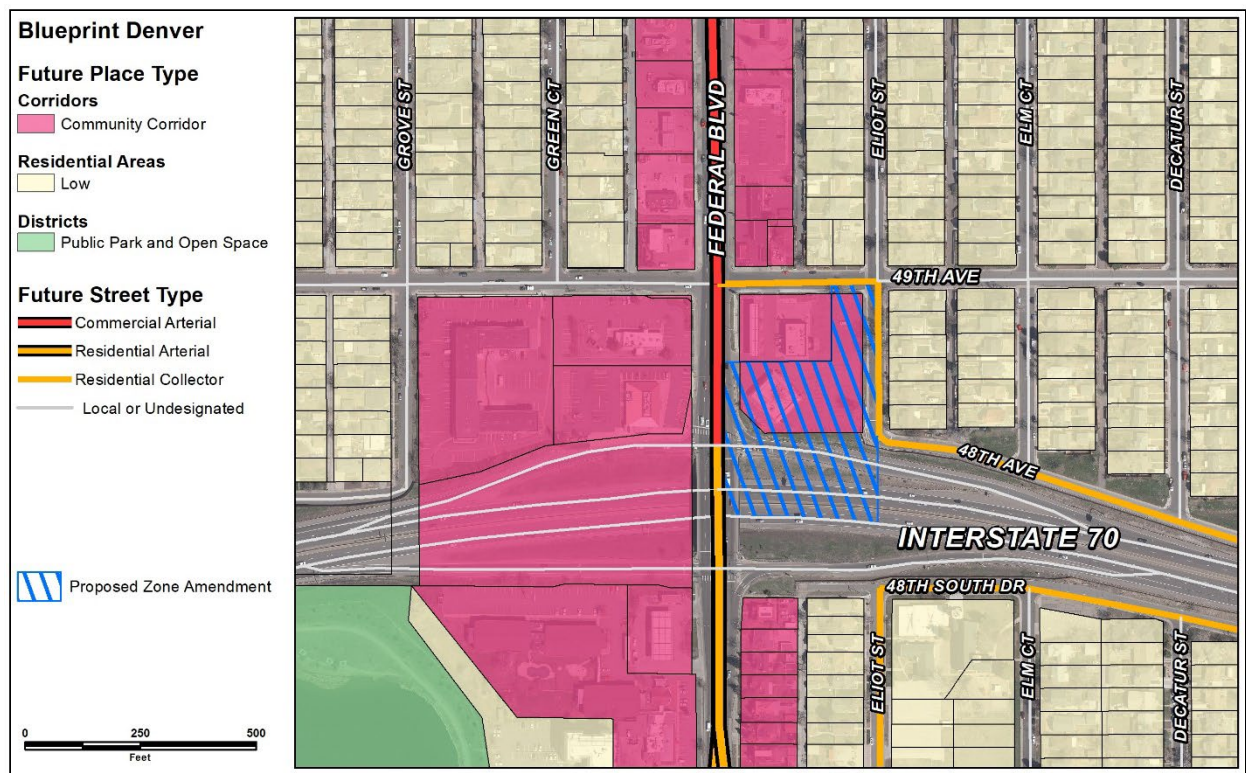
Blueprint Denver is Denver’s citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to *Comprehensive Plan 2040*. *Blueprint Denver* identifies the subject site as part of a Community Corridor within the Urban Edge Neighborhood Context.

Blueprint Denver Future Neighborhood Context



The subject site is within the Urban Edge neighborhood context. The urban edge context “contains elements of the suburban and urban contexts. Small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas” (p. 136). The proposed E-CC-3x zone district is within the Urban Edge Context, which is “characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial uses are typically embedded in residential areas” (Section 4.1.1, DZC). The proposed zone district, which allows a mix of uses in buildings up to three stories, is consistent with the *Blueprint Denver* Future Neighborhood Context plan direction.

Blueprint Denver Future Places



The subject property is mapped as Community Corridor in the Future Places Map. In the Urban Edge context, areas designated as Community Corridors “typically provides some mix of office, commercial and residential...A mix of larger and smaller scale buildings, some being setback from the street to accommodate parking. Heights are generally up to 5 stories.” (p. 212). *Blueprint Denver* describes corridors as having active ground floors that create interest and engage patrons as they walk by (p.145). It further recommends improvements in standards in centers and corridors and in the Urban Edge context that would promote more active and pedestrian friendly places, while acknowledging the need for some flexibility in building placement (p. 103).

The proposed zone district is a commercial corridor district that allows a mix of civic, residential, and commercial uses in buildings up to three stories. The E-CC-3x zone district standards do not promote as much of a pedestrian-friendly design as other districts, but the uniqueness of the site with its multiple frontages, makes the proposed district appropriate. The drive thru building form is allowed in the proposed E-CC-3x district as well as in the Urban Edge Mixed-Use (MX) or Main Street (MS) district. The MX and MS districts require a build-to along both W. 49th Ave. and Eliot St. On the subject site, this would result in a challenging structure that would be required to meet build-to requirements on Federal Boulevard, W. 49th and Eliot Street. Whereas the standards in the E-CC-3x district will allow the structure to be placed closer to Federal and I-70 and farther from the side streets and existing residential uses.

The existing B-3 district only allows a maximum gross floor area equal to the size of the zone lot. This would allow for a one-story structure the size of the lot or a multi-story building for a portion of the lot. The E-CC-3x zone district would allow for greater density and a more predictable outcome because the maximum height is 3 stories (4 stories with incentives) regardless of how much of the site the structure covers.

Given the unique configuration of the site, the current standards in the Urban Edge zone districts, *Blueprint Denver's* guidance that acknowledges greater setbacks from the street, as well as the commercial arterial street type described in the next section, the proposed E-CC-3x zone district is, on balance, consistent with the Community Corridor *Blueprint Denver* Future Places plan direction. The proposed E-CC-3x district promotes a mix of use while providing flexibility in building form standards that would allow for buildings to be set back from the street.

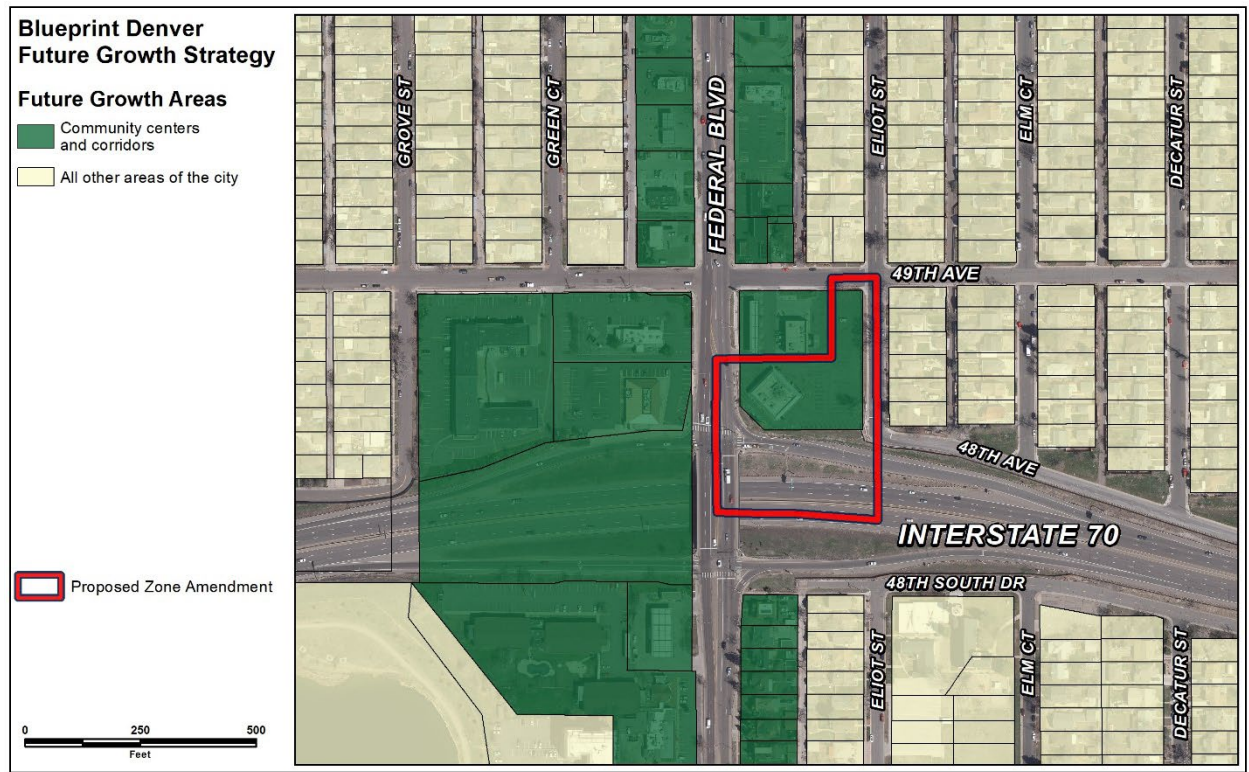
Street Types

“Blueprint Denver’s street typology is intended to serve as a framework to develop context-sensitive street design guidelines and to update regulations and standards for how streets are designed” (p. 155). Street types tend to be consistent over larger stretches of roads rather than varying at the parcel level. For the purposes of rezonings, the street types are intended to “work in concert with the future place” to inform “the appropriateness of the intensity of the adjacent development” (p. 67). This portion of Federal Boulevard is classified as a Commercial Arterial street which, “typically contain[s] commercial uses including shopping centers, auto services and offices” (p. 159). These types of arterial streets tend to support a higher level of adjacent development intensity than collector or local streets. 49th Avenue and Eliot Street are classified as Residential Collectors. These streets “are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). Land uses along Residential streets are mostly “residential uses but may include schools, civic uses, parks, small retail nodes and other similar uses” (p. 160).

The proposed E-CC-3x zone district “applies primarily to auto-oriented street corridors where a building scale of 1 to 3 stories is desired with less intense uses than E-CC-3” (DZC Section 4.2.3.2.B), indicating that this zone district is compatible along streets like Federal Boulevard. The uses and building forms permitted in E-CC-3x are more appropriate for Federal Boulevard, and the design

standards will allow the structure to be placed closer to the Boulevard and farther from the residential area than what a Mixed Use or Main Street district would require.

Growth Strategy



The Future Growth Areas map, which is a version of the future places map, designates the subject property as “Community Centers and Corridors”, which are anticipated to account for 20 percent of jobs and 25 percent of new households in the city by the year 2040. “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to E-CC-3x will focus an appropriate intensity of mixed-use growth to a Community Corridor where it has been determined to be most appropriate and, therefore, is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning. This site currently has Former Chapter 59 zoning and is proposing to rezone into a standard district in the Denver Zoning code so the following strategy from the Land Use & Built Form: General section, Policy 3 is relevant for this proposed rezoning:

- Strategy 3 states, “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” (p. 73).

As described earlier in the staff report, *Blueprint Denver* also includes several recommendations related to improved design standards in community corridors and the Urban Edge context. While these recommendations are specific to future text amendments, they are relevant as they relate to the vision for community corridors and the Urban Edge context. These include:

- Land Use & Built Form: Design Quality & Preservation, Policy 4: Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.
- Land Use & Built Form: Design Quality & Preservation, Policy 5: Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places.
- Land Use & Built Form: General, Policy 2, Strategy C: 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.

As stated above, the E-CC-3x district does not include as many pedestrian-friendly building form standards as the Main Street and Mixed Use districts. However, for this unique site with three street frontages, the build-to requirements of the MS and MX districts would result in a challenging building configuration and location adjacent to local streets with low scale residential uses. The proposed E-CC-3x district promotes a mix of use while providing flexibility in building form standards that would allow for buildings to be set back from the street.

Federal Boulevard Corridor Plan

The *Federal Boulevard Corridor Plan* was adopted in 1995 and seeks to enhance the image of the corridor, improve safety and efficiency for pedestrians and vehicles, and limit land acquisition to the amount needed to improve the image and safety of the corridor. The plan recommends “commercial development be limited to existing zoned nodes of development” (p. 51). The property is currently zoned and used for commercial development, consistent with the adopted plan guidance. Additionally, the Plan recommends streetscape improvements when private development occurs, such as tree laws and detached sidewalks. When this property redevelops, the property owner will be required to meet the Department of Transportation and Infrastructure’s current streetscape requirements.

Near Northwest Area Plan (in progress)

The Near Northwest Area Plan is currently underway and includes the subject property. This plan has not been adopted so the guidance in the proposed plan is not yet applicable to this rezoning.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-CC-3x 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 adopted plans as detailed above. The proposal will maintain compatible scale and intensity in terms of the allowed mix of uses and allowed building scale. Additionally, rezoning into a district in the Denver Zoning Code will provide a more predictable outcome with potential for greater density on the site for the community than the Floor Area Ratio permitted in the Former Chapter 59 Zoning Code. The proposed S-CC-3x zone district facilitates increased density in a variety of building forms as well as a mix of uses, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

4. Justifying Circumstance

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, "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: (c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." The adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering to the property, is an appropriate justifying circumstance for the proposed rezoning.

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

The Urban Edge Context is "primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas" (DZC 4.1.1). Commercial buildings are typically in the Shopfront, General, Drive Thru Services, and Drive Thru Restaurant building forms with a single use. The context mostly has a regular pattern of blocks within a grid or modified grid. The requested E-CC-3x zone district is consistent with the neighborhood context description.

The Urban Edge Commercial Corridor zone districts are intended to "balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access...and ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods" (DZC, Section 4.2.3.1). The specific intent of the E-CC-3x zone district is to be applied "primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than E-CC-3" (DZC 4.2.3.2). Federal Boulevard is an arterial street

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

consistent with the specific intent, and the proposed rezoning will allow for a predictable structure that can be located closer to Federal Boulevard.

The proposed map amendment is consistent with the commercial corridor intent described in the Urban Edge Neighborhood Context. The proposed development will be limited to a moderate scale on the zone lot and any mixed-use development that will result from this rezoning will complement the character of existing surrounding neighborhood. The E-CC-3x zone district is consistent with the Urban Edge context description, commercial corridor purpose, and specific intent of the E-CC-3x district.

Attachments

1. Application
2. Public Comments
3. Document of Deliberation



REZONING GUIDE

Rezoning Application Page 1 of 4

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	TWIN STAR ENERGY, LLC
Address	7671 SHAFFER PARKWAY
City, State, Zip	LITTLETON, CO 80127
Telephone	UNKNOWN
Email	UNKNOWN
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Representative Name	EMILY FELTON
Address	4582 S ULSTER STREET, SUITE 1500
City, State, Zip	DENVER, CO 80237
Telephone	720.636.8273
Email	EMILY.FELTON@KIMLEY-HORN.COM
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	

SUBJECT PROPERTY INFORMATION	
Location (address):	4850 North Federal Boulevard
Assessor's Parcel Numbers:	02174-25-014-000
Area in Acres or Square Feet:	49,573 SF
Current Zone District(s):	B-3, P-1

PROPOSAL	
Proposed Zone District:	E-CC3X

PRE-APPLICATION INFORMATION	
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Bridget Rassbach, 8/27/2021</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Virtual Meeting, September 16, 2021</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</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 a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): <u>Federal Boulevard Corridor Plan</u></p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</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>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezonings: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</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 of 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"/> 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:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</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>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.**
- Review Criteria Narratives.** See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request (optional)**
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this is document is required.)
- Other Attachments.** Please describe below.



REZONING GUIDE

Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (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>	01/12/20	(A)	YES
Emily Felton	4582 South Ulster Street, Suite 1500 Denver, Co 802337 720.636.8273 Emily.Felton@kimley-horn.com	100%	<i>Emily Felton</i> <small>Digitally signed by Emily Felton DN: cn=Emily Felton, o=Kimley-Horn, ou=Kimley-Horn, email=Emily.Felton@kimley-horn.com, c=US</small>	11/10/21	C	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<i>Heet S. Puri</i>	<i>7671 Shaffer Pkwy Littleton, Co 80127</i>	<i>100%</i>	<i>Heet S. Puri</i>	<i>1/19/21</i>	B	YES
						YES
						YES

Last updated: February 16, 2021

Return completed form and attachments to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

2022i-00047

21005-R2-RAISING CANE'S I-70 & FEDERAL – ZONE LOT LEGAL DESCRIPTIONS – 08/23/23

ZONE LOT 1:

BEING ALL OF LOTS 1-6 AND THE WESTERLY 60.00 FEET OF LOTS 43-48, BLOCK 1, EAST BERKELEY, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BEING THE NORTHWEST CORNER OF PARCEL 1 AND BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FEDERAL BOULEVARD, A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES AND THE SOUTHERLY RIGHT-OF-WAY OF WEST 49TH AVENUE, A 60-FOOT-WIDE PUBLIC RIGHT-OF-WAY; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, NORTH 89°56'33" EAST, A DISTANCE OF 193.08 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, SOUTH 00°02'27" EAST, A DISTANCE OF 149.91 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1, BEING THE SOUTHERLY LINE OF LOT 43; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, BEING THE SOUTHERLY LINE OF LOT 6 AND LOT 43, SOUTH 89°56'33" WEST, A DISTANCE OF 193.08 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1, BEING THE EASTERLY RIGHT-OF-WAY OF FEDERAL BOULEVARD, A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1, BEING THE EASTERLY RIGHT-OF-WAY OF SAID FEDERAL BOULEVARD, NORTH 00°02'27" WEST, A DISTANCE OF 149.91 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1 AND THE POINT OF BEGINNING.

CONTAINS 28,945 SQUARE FEET OR 0.664 ACRES, MORE OR LESS.

ZONE LOT 2:

BEING ALL OF LOTS 7-12 AND 37-48, BLOCK 1, EAST BERKELEY, EXCEPTING THE WESTERLY 60.00 FEET OF LOTS 43-48, BLOCK 1, EAST BERKELEY AND EXCEPTING A PORTION OF LOTS 11 AND 12, BLOCK 1, EAST BERKELEY, AND EXCEPTING A PORTION OF LOTS 7-11, BLOCK 1, EAST BERKELEY AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED AUGUST 14, 2023 AT RECEPTION NO. 2023077642 IN THE OFFICE OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID BLOCK 1, EAST BERKELEY, BEING THE NORTHWEST CORNER OF PARCEL 1 AND BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FEDERAL BOULEVARD, A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES AND THE SOUTHERLY RIGHT-OF-WAY OF WEST 49TH AVENUE, A 60.00-FOOT-WIDE PUBLIC RIGHT-OF-WAY; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, NORTH 89°56'33" EAST, A DISTANCE OF 193.08 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EASTERLY PROLONGATION OF SAID NORTHERLY LINE, NORTH 89°56'33" EAST, A DISTANCE OF 72.99 FEET TO THE NORTHEAST CORNER OF PARCEL 2, BEING THE NORTHEAST CORNER OF LOT 48 AND BEING THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY OF WEST 49TH AVENUE AND THE WESTERLY RIGHT-OF-WAY OF ELIOT STREET, A 60.00-FOOT-WIDE PUBLIC RIGHT-OF-WAY; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 2, BEING THE WESTERLY RIGHT-OF-WAY OF SAID ELIOT STREET, SOUTH 00°02'27" EAST, A DISTANCE OF 299.82 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2, BEING THE SOUTHEAST CORNER OF LOT 37; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2, BEING THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 70, A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES, AS DESCRIBED IN THE INSTRUMENT RECORDED NOVEMBER 5, 1964 IN BOOK 9332, PAGE 526 IN SAID OFFICE OF THE CLERK AND RECORDER, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 89°56'33" WEST, A DISTANCE OF 216.18 FEET TO THE SOUTH CORNER OF SAID PARCEL 2;
- 2) NORTH 45°00'00" WEST, A DISTANCE OF 55.28 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED AUGUST 14, 2023 AT RECEPTION NO. 2023077642;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 09°42'24" WEST, A DISTANCE OF 16.69 FEET;
- 2) NORTH 04°22'06" WEST, A DISTANCE OF 70.63 FEET;
- 3) NORTH 06°28'23" WEST, A DISTANCE OF 24.05 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1, BEING THE SOUTHWEST CORNER OF LOT 6;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, NORTH 89°56'33" EAST, A DISTANCE OF 193.08 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, NORTH 00°02'27" WEST, A DISTANCE OF 149.91 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 AND THE POINT OF BEGINNING.

CONTAINS 49,076 SQUARE FEET OR 1.127 ACRES, MORE OR LESS.

November 10, 2021

Community Planning & Development
City and County of Denver
201 W. Colfax Avenue, Dept. 205
Denver, Colorado 80202

RE: ***Raising Cane's – Zone Map Amendment
Denver, Colorado***

Mr. Ibanez,

This document will serve as supporting documentation for the Zone Map Amendment Application for 4850 Federal Boulevard which is included in this application is currently zoned as Shopping Center District (B-3) and Off-Street Parking District (P-1) as retained from Former Chapter 59 Zoning. The zone lot is to undergo rezoning for Urban Edge – Community Corridor – 3 stories maximum height (E-CC-3X). The existing use for the site is commercial/retail. The proposed use for the site is an Eating and Drinking Establishment and the proposed building form is Drive Thru Services.

General Review Criteria Applicable to All Zone Map Amendments (DZC Sec. 12.4.10.7)

1. Consistency with Adopted Plans

The proposed official zone map amendment will serve to create a cohesive E-CC-3X District which will promote a low-density new Urban Edge along the Federal Boulevard commercial corridor that is consistent with the City of Denver's vision for this neighborhood as identified in Blueprint Denver. This area is the southwest corner of the Urban edge as identified in the plan, and shown in **Exhibit A, below**.



Exhibit A: Blueprint Denver Future Neighborhood Map

As noted in Blueprint Denver, this site is identified as a community corridor. While some of the Federal Corridor will be more dense in nature, the importance is realized for a transition to nearby residential

areas. The proposed height of this building is 1 story, and there is a landscape setback adjacent to the north and east sides of the site, which abut residential neighborhoods.

In addition to Blueprint Denver, the proposed rezoning also satisfies various goals within of the Denver Comprehensive Plan 2040. As part of the plan, this site was identified as a Community Center and Corridor with a goal to increase jobs by 20% by 2040. This rezoning into a community corridor is consistent with the goal identified on the plan.

Blueprint Denver: A Land Use and Transportation Plan (2019)
Denver Comprehensive Plan 2040

a. Blueprint Denver: A Land Use and Transportation Plan (2019)

1. Neighborhood Context

Rezoning to E-CC-3X is consistent with the Blueprint Denver Neighborhood Context Map for Urban Edge context. The Urban Edge neighborhood context describes an area of low density with connections to public transit, walkability and access to amenities with some reliance on cars. The proposed E-CC-3X assemblage is consistent with the intent of Denver Blueprint in providing an Urban Edge neighborhood context allowing convenient vehicle access along Federal Boulevard and increase pedestrian access through the construction of new detached sidewalks along Federal Boulevard.

2. Future Places

The proposed rezone will create a cohesive Urban Edge E-CC-3X zone district that will allow for the low-density redevelopment for a buffer between the adjacent residential neighborhood to the east and Federal Boulevard, a Commercial Arterial. This cohesive E-CC-3X Urban Edge zone district is consistent with the goals and strategies of the Blueprint Denver 2040 Future Places Map for this area. The proposed rezone area falls within an overall community corridor designation. Community corridors serve to provide space for social engagement and “are often embedded in neighborhoods.” The proposed cohesive E-CC-3X zone district will embed nicely within the existing neighborhood while also maintaining walkability and bike access to the surrounding area. The proposed rezone area is accessible to a larger area of surrounding neighborhoods through its proximity to the nearby RTD facilities. There is pedestrian connection throughout the site and increased pedestrian sidewalk conditions with proposed detached sidewalks along Federal Boulevard to the west of the Site.

3. Street Type

The proposed E-CC-3X Urban Edge zone district is located adjacent to the commercial arterial of Federal Boulevard. Rezoning to E-CC-3X would support the mix of uses specifically identified within the commercial arterial street type. The E-CC-3X development will provide vehicle-oriented transportation methods though driveway access and on-site parking areas, while maintain pedestrian access with sidewalks having access to the

nearby RTD facilities. This rezoning will allow for the goals of the commercial corridor street type to be achieved through the development of an Urban Edge neighborhood context. As identified in Blueprint Denver, Commercial Arterials typically contain commercial use and buildings are often set back with onsite parking. This rezoning is consistent with that definition of a site adjacent to a Commercial Arterial (Federal Boulevard).

b. Denver Comprehensive Plan 2040

Rezoning to E-CC-3X at 4850 Federal Boulevard is consistent with specific strategies and goals of the Denver Comprehensive Plan 2040 as listed below:

1. Vision Element: Strong and Authentic Neighborhoods Goal 1, Strategy A. Build a network of well-connected, vibrant, mixed-use corridors. The development will provide a connected community corridor with the construction of 5' detached sidewalks along the property frontage. These detached walks will provide direct access to Federal Blvd and the existing RTD facilities nearby.
2. Vision Element: Strong and Authentic Neighborhoods Goal 1, Strategy C. Ensure neighborhoods are safe, accessible and well-connected for all modes. The development will provide a connected community corridor with the construction of 5' detached sidewalks along the property frontage.
3. Vision Element: Connected, Safe and Accessible Places Goal 3, Strategy A. Create streets to foster economic activity, contribute to great urban design and accommodate green infrastructure, including street trees. 5' detached walks will be provided as part of the development. This will allow for the development and growth of street trees along the Federal Boulevard frontage, as walks are detached and an 8' tree lawn is in between the detached walk and Federal Boulevard.
4. Vision Element: Environmentally Resilient Goal 4, Strategy D. Encourage low-impact development that reduces impervious surfaces and positively impacts community health by using trees. The proposed development will decrease the impervious area of the existing site and enhance the development with the implementation of new trees and landscaping. Additionally, existing street trees along 49th Avenue north of the site and along Eliot Street east of the site are able to be preserved due to the less dense development proposed with the E-CC-3X zoning. With this rezoning, at grade water quality and an increase of landscape areas throughout the site will be added as part of the site development.
5. Vision Element: Healthy and Active Goal 1, Strategy B. Promote walking, rolling, and biking through the development of a safe and interconnected multimodal network. The proposed development will construct 5' detached walks along the Federal Boulevard frontage. The construction of these 5' walks will create a safe pedestrian connectivity network to the existing RTD facilities. Additionally, the site will be required to provide bike racks for customers and employees on site.

c. Federal Boulevard Corridor Plan

Rezoning to E-CC-3X at 4850 Federal Boulevard is consistent with the adopted Federal Boulevard Corridor Plan. The development would provide commercial use at the intersection of I-70 and Federal Boulevard that integrates with the nearby residential areas and doesn't provide too much density or visual impact in the buffer to the residential neighborhood. Existing attached sidewalks are to be replaced with 5' detached sidewalks in order to create the standard tree lawn configuration in accordance with the Federal Boulevard Corridor Plan.

2. Uniformity of District Regulations and Restrictions

The proposed zone map amendment for the Raising Cane's project will create a low-density zone district that will allow for a development program that fits the Urban Edge neighborhood context, per Blueprint Denver. The proposed E-CC-3X zone district will serve to enhance the density goal in the immediate area from the existing B-3 and P1 zoning districts. The proposed E-CC-3X is consistent with the zoning across I-70 from the site, and the re-zoned area north of I-70 that is west of the property adjacent to Federal Boulevard. The property directly west of Federal Boulevard has not been rezoned from Chapter 59 zoning and is still B-2. A zoning map has been included below as Exhibit B to illustrate the site and surrounding properties with are consistent with the proposed E-CC-3X zoning.

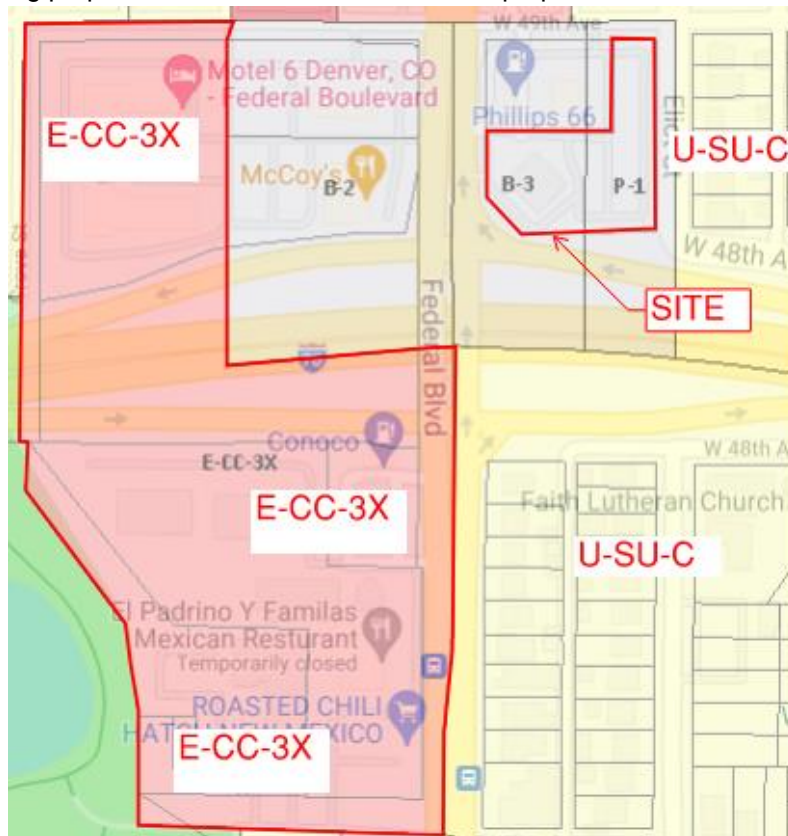


Exhibit B: Rezoning Map

3. Public Health, Safety and General Welfare

The development of a commercial building with increased landscaping, public sidewalk access, lighting, and pedestrian amenities such as patio space and bicycle racks will improve the general welfare of the public by providing safe commercial development adjacent to a state highway, I-70. The proposed rezoning allows for increased safety on the site to control traffic adjacent to Federal Boulevard, a commercial arterial street, and I-70, an industrial collector. The proposal to rezone these parcels to E-CC-3X has coordinated with significant outreach to the Registered Neighborhood organizations offering them a site plan and correspondence with the project team. Our outreach more specifically has consisted of correspondence with Neighborhood Coalitions of Denver, the Berkley Neighborhood Association, District 1 Neighborhood Coalition, Unite North Metro Denver, and the Chaffee Park Neighborhood Association. Additionally, outreach has occurred to District 1 representative Amanda Sandoval, who asked us to specifically focus on outreach to neighbors, and specifically emphasized the Chaffee Park Neighborhood Association. This outreach has been coordinated, and feedback received has been overall positive, with the request to keep the neighborhood informed with screening and buffer options from the existing residential neighborhood east of the site. The proposed rezone has also been coordinated with the City of Denver in conjunction with the Site Development Plan submitted to the Planning Department.

4. Justifying Circumstances

The Justifying Circumstances are found in Section 12.4.10.8.A. The proposed rezone to E-CC-3X qualifies under subsection A.4(c). The City adopted the Denver Zoning Code and the property retained Former Chapter 59 Zoning. The proposed E-CC-3X rezone assemblage will be consistent with City of Denver adopted Blueprint Denver and Comprehensive Plan 2040 in providing a low-density Urban Edge development.

The parcel listed above is bordered by existing E-CC-3X properties to the North along Federal Boulevard. In addition to the uniform low-density zone district that would be provided, the proposed rezone to E-CC-3X meets the intent of Blueprint Denver and the Denver Comprehensive Plan 2040. The adopted Blueprint Denver notes this neighborhood area is of Urban Edge context which promotes lower scale buildings mixed with residential areas.

The proposed new zoning is in the general interest of the public and surrounding neighborhood, as coordinated with neighborhood outreach meetings and Councilwoman Amanda Sandoval.

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

The requested E-CC-3X zoning is consistent with the adjacent neighborhood context, zone district purpose and intent as the parcel listed above is bordered by E-CC-3X properties. Blueprint Denver specifically notes this neighborhood area is of Urban Edge context with requirements for a mix of suburban and urban contents. The proposed zone map amendment will allow for this Urban Edge

context to be realized, with the inclusion of commercial development within proximity to residential areas, while maintaining access to nearby RTD facilities with the bus route along Federal Boulevard.

According to the Denver Zoning Code (DZC) Division 4.1, the Urban Edge Neighborhood Context consists of “small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas.” Urban Edges are characterized by moderate to deep front setbacks with lower building heights. Moderate levels of pedestrian activity with access to multi-modal transportation is expected in Urban Edges, but still maintain some reliance on vehicle transportation. The site’s development will be consistent in meeting these DZC goals for a new Urban Edge. The Site’s E-CC-3X development will provide a low-density property along the Federal Boulevard commercial corridor with pedestrian connectivity through the construction of detached walks along the Federal Boulevard frontage.

The specific intent of the E-CC-3X zone district is to provide a “safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access” along Federal Boulevard. The Site’s E-CC-3X development will meet the Urban Edge E-CC-3X intent of the DZC by way of a 1-story commercial drive thru restaurant development and enhanced streetscape design.

Summary of Request

As presented within this letter, the re-zoning of the specified parcels is beneficial in that it allows for the unencumbered development of a high-density mixed-use product that will both serve and improve the surrounding neighborhood community.

Please contact me at (720) 636-8273 or Emily.Felton@kimley-horn.com with any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.



Emily Felton, PE

**ACTION OF THE MEMBERS AND THE MANAGER OF
TWIN STAR ENERGY, LLC (the “Company”)
TAKEN BY UNANIMOUS WRITTEN CONSENT
IN LIEU OF A MEETING**

The undersigned, being all of the members and the sole manager of the Company (respectively, the “Members” and the “Manager”), do hereby consent to and adopt the following resolutions, which actions shall have the same force and effect as if taken by unanimous affirmative vote at a meeting of the Members and of the Manager of the Company duly called and held, and direct that this written consent to such action be filed with the minutes of the proceedings of the Company:

WHEREAS, the Company has determined that it is in the best interests of the Company to enter into certain real estate transactions, including, without limitation, the sale and lease back from time to time of certain of the properties owned and operated by the Company (“Real Estate Transactions”); and

WHEREAS, Preet S. Puri, as Manager of the Company, is authorized to execute, on behalf of and for the Company, any documents related to or constituting the purchase, sale or lease of the Company’s properties; and

WHEREAS, the Company has determined that it is in the interest of the Company that Satish S. Chander be authorized to execute, on behalf of and for the Company, any documents related to or constituting the purchase, sale or lease of the Company’s properties.

NOW THEREFORE, BE IT RESOLVED, that the Company and its Members and Manager hereby acknowledge that Preet S. Puri and Satish S. Chander, duly elected and authorized representatives of the Company, be and are hereby authorized, empowered and directed, either singly or jointly, to take such actions on behalf of the Company as they deem necessary and appropriate relative to and in furtherance of the purchase, sale or lease of the Company’s properties;

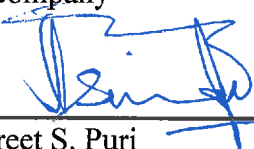
FURTHER RESOLVED, that the Company and its Members hereby authorize and direct Preet S. Puri or Satish S. Chander, in their capacity as duly authorized representatives of the Company acting as such, to negotiate, execute and deliver on behalf of the Company in their individual capacity, any and all documents and instruments, of any nature and in any form whatsoever, which, in their discretion, are required in order for the Company to close the purchase, sale or lease of the Company’s properties pursuant to the terms of any such respective purchase, sale or lease agreements following the presentation and approval of such purchase, sale or lease agreements to the Members and Manager of the Company, and to cause the Company’s performance under such documents and instruments necessary to close or consummate the respective purchase, sale or lease transaction;

FURTHER RESOLVED, that any and all actions heretofore taken by the Company or taken by Preet S. Puri or Satish S. Chander, in their capacity as duly authorized representatives of the Company, in furtherance of the foregoing resolutions are hereby certified, ratified and confirmed.


WITNESS the consent of the Members and Manager of TWIN STAR ENERGY, LLC, a Colorado limited liability company, effective as of December 1, 2018.

MEMBERS:


K & G PETROLEUM, LLC, a Colorado limited liability company

By: 
Name: Preet S. Puri
Title: Manager

ASPEN PETROLEUM, LLC, a Colorado limited liability company

By: 
Name: Preet S. Puri
Title: Manager

K & G STORE, INC., a Colorado corporation

By: 
Name: Preet S. Puri
Title: President

MANAGER:


Preet S. Puri

AGENT AUTHORIZATION FORM

STREET ADDRESS: 4850 North Federal Boulevard, Denver, CO 80221

A PORTION OF THE SE 1/4 OF SEC.17 T3S, R68W, OF THE 6TH P.M.

Please print:

Property Owner: _____

Property Owner: _____

The undersigned, registered property owners of the above noted property, do hereby authorize

James Waller, of Kimley-Horn
(Contractor / Agent) (Name of consulting firm)

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standard and special conditions attached.

Property Owner's Address (if different than property above):

Telephone: _____

We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.



Authorized Signature

Authorized Signature

Date: 5-11-22

Date: _____

Felton, Emily

From: Felton, Emily
Sent: Thursday, September 2, 2021 1:53 PM
To: berkeleyneighborhoodassoc@gmail.com; ruddenwendy@gmail.com
Cc: Crail, Hannah
Subject: 4850 North Federal Boulevard Rezoning Application 2021PM0000166
Attachments: 4850 Federal Concept Plan.pdf

Wendy and the Berkley Neighborhood Association -

This notice is to inform you of an application for change of use for the property located at 4850 N. Federal Blvd. The site was previously a Village Inn and is now vacant structure. A proposal will be presented to rezone the property to E-CC-3x which will allow the proposed use for a quick-serve restaurant with a drive-thru. The restaurant will utilize the site with a new energy-efficient building, an enhanced landscape and appropriate screening as needed to provide privacy for any neighboring businesses and residents.

We are looking forward to working with the community to develop a proposal that is comprehensive with the neighborhood plan and serves the neighborhood well. Please reach out with any feedback you may have as you look through the attached site plan and the information.

Thanks,

Emily Felton, P.E.

Kimley-Horn | 3801 Automation Way, Suite 210, Fort Collins, CO 80525
Direct: 720.636.8273 | Mobile: 972.979.4902 | www.kimley-horn.com

[Celebrating 14 years as one of FORTUNE's 100 Best Companies to Work For](#)

Felton, Emily

From: Felton, Emily
Sent: Thursday, September 2, 2021 1:53 PM
To: board@chaffee.org; jasonthornyak@gmail.com
Cc: Crail, Hannah
Subject: 4850 North Federal Boulevard Rezoning Application 2021PM0000166
Attachments: 4850 Federal Concept Plan.pdf

Jason and Chaffee Park Neighborhood Association –

This notice is to inform you of an application for change of use for the property located at 4850 N. Federal Blvd. The site was previously a Village Inn and is now vacant structure. A proposal will be presented to rezone the property to E-CC-3x which will allow the proposed use for a quick-serve restaurant with a drive-thru. The restaurant will utilize the site with a new energy-efficient building, an enhanced landscape and appropriate screening as needed to provide privacy for any neighboring businesses and residents.

We are looking forward to working with the community to develop a proposal that is comprehensive with the neighborhood plan and serves the neighborhood well. Please reach out with any feedback you may have as you look through the attached site plan and the information.

Thanks,

Emily Felton, P.E.

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Direct: 720.636.8273 | Mobile: 972.979.4902 | www.kimley-horn.com

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Felton, Emily

From: Felton, Emily
Sent: Thursday, September 2, 2021 1:53 PM
To: District1NCDen@gmail.com
Cc: Crail, Hannah
Subject: 4850 North Federal Boulevard Rezoning Application 2021PM0000166
Attachments: 4850 Federal Concept Plan.pdf

Tim and District 1 Neighborhood Coalition –

This notice is to inform you of an application for change of use for the property located at 4850 N. Federal Blvd. The site was previously a Village Inn and is now vacant structure. A proposal will be presented to rezone the property to E-CC-3x which will allow the proposed use for a quick-serve restaurant with a drive-thru. The restaurant will utilize the site with a new energy-efficient building, an enhanced landscape and appropriate screening as needed to provide privacy for any neighboring businesses and residents.

We are looking forward to working with the community to develop a proposal that is comprehensive with the neighborhood plan and serves the neighborhood well. Please reach out with any feedback you may have as you look through the attached site plan and the information.

Thanks,

Emily Felton, P.E.

Kimley-Horn | 3801 Automation Way, Suite 210, Fort Collins, CO 80525
Direct: 720.636.8273 | Mobile: 972.979.4902 | www.kimley-horn.com

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Felton, Emily

From: Crail, Hannah
Sent: Monday, September 20, 2021 10:22 AM
To: gina.volpe@denvergov.org; amanda.sandoval@denvergov.org;
naomi.grunditz@denvergov.org
Cc: Felton, Emily; Waller, James
Subject: 4850 North Federal Boulevard: Post Meeting
Attachments: 4850 North Federal Boulevard Rezoning Application 2021PM0000166; 4850 North Federal Boulevard Rezoning Application 2021PM0000166; 4850 North Federal Boulevard Rezoning Application 2021PM0000166; 4850 North Federal Boulevard Rezoning Application 2021PM0000166; 4850 North Federal Boulevard Rezoning Application 2021PM0000166

Hello Gina,

My partner James spoke with you last week about the project located at 4850 North Federal Boulevard. You had a question/concern about community outreach, and we actually have already started that work. We have only received one response back from Jason Hornyak with Chaffee Park Neighborhood Association. We also reached out to Neighborhood Coalitions of Denver, the Berkley Neighborhood Association, District 1 Neighborhood Coalition, Unite North Metro Denver, and Chaffee Park Neighborhood Association. See emails attached.

Please feel free to reach out with anything else that you need 😊

Thank you,

Hannah Crail | Analyst

Kimley-Horn | 3801 Automation Way, Suite 210, Fort Collins, CO 80525

Direct: 970-986-6807 | www.kimley-horn.com

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Felton, Emily

From: Felton, Emily
Sent: Thursday, September 2, 2021 1:53 PM
To: neighborhoodcoalitionsofdenver@gmail.com
Cc: Crail, Hannah
Subject: 4850 North Federal Boulevard Rezoning Application 2021PM0000166
Attachments: 4850 Federal Concept Plan.pdf

Bryan and Neighborhood Coalitions of Denver –

This notice is to inform you of an application for change of use for the property located at 4850 N. Federal Blvd. The site was previously a Village Inn and is now vacant structure. A proposal will be presented to rezone the property to E-CC-3x which will allow the proposed use for a quick-serve restaurant with a drive-thru. The restaurant will utilize the site with a new energy-efficient building, an enhanced landscape and appropriate screening as needed to provide privacy for any neighboring businesses and residents.

We are looking forward to working with the community to develop a proposal that is comprehensive with the neighborhood plan and serves the neighborhood well. Please reach out with any feedback you may have as you look through the attached site plan and the information.

Thanks,

Emily Felton, P.E.

Kimley-Horn | 3801 Automation Way, Suite 210, Fort Collins, CO 80525
Direct: 720.636.8273 | Mobile: 972.979.4902 | www.kimley-horn.com

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Felton, Emily

From: Felton, Emily
Sent: Thursday, September 2, 2021 1:52 PM
To: jaguirreja@aol.com
Cc: Crail, Hannah
Subject: 4850 North Federal Boulevard Rezoning Application 2021PM0000166
Attachments: 4850 Federal Concept Plan.pdf

Fran and Unite North Metro Denver –

This notice is to inform you of an application for change of use for the property located at 4850 N. Federal Blvd. The site was previously a Village Inn and is now vacant structure. A proposal will be presented to rezone the property to E-CC-3x which will allow the proposed use for a quick-serve restaurant with a drive-thru. The restaurant will utilize the site with a new energy-efficient building, an enhanced landscape and appropriate screening as needed to provide privacy for any neighboring businesses and residents.

We are looking forward to working with the community to develop a proposal that is comprehensive with the neighborhood plan and serves the neighborhood well. Please reach out with any feedback you may have as you look through the attached site plan and the information.

Thanks,

Emily Felton, P.E.

Kimley-Horn | 3801 Automation Way, Suite 210, Fort Collins, CO 80525
Direct: 720.636.8273 | Mobile: 972.979.4902 | www.kimley-horn.com

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TO: Denver City Council
FROM: Denver Planning Board
DATE: October 30, 2023
RE: Legislative Map Amendment 2022I-00047, 4850 N Federal Blvd

Documentation of Deliberations

On 4 October 2023 the Denver Planning Board held a public hearing on the above referenced map amendment. The Planning Board unanimously recommended that City Council approve the proposed rezoning, but had considerable discussion concerning the application and unanimously agreed to summarize key elements of the Board’s deliberations in this Documentation of Deliberation to provide additional context to City Council.

A number of Board members expressed frustration that while the application clearly met the applicable criteria—and thus they felt it was appropriate to recommend its approval—there were numerous concerns which the Board was unable to address.

These concerns were brought to the fore by the owner’s stated intention to develop a drive-thru restaurant on the site, an allowed use and form in the proposed zone district. The Board heard testimony that in the current NPI process community members have expressed concerns about and a desire to limit future auto-centric development along the Federal Corridor. Adopted plans also include plans to implement BRT service along the Federal Corridor, a significant transit improvement which may be incompatible with more auto-centric forms and uses. The Board expressed frustration that they were unable to take into consideration on-going, but unadopted, planning efforts and that the current zoning limitations on drive-thru uses and forms based on planned and implemented transit improvements may be ineffective in this case, potentially resulting in a redevelopment which appears at odds with the future vision for the Federal Corridor. The rezoning criteria require the Board to review a rezoning “project blind,” considering only the proposed zone district and all building forms and uses it allows. However, knowledge of the intended development made the Board’s deliberation difficult.

Some members indicated concern that once a rezoning is approved there is no mechanism within the City’s development review process to consider the public health, safety and general welfare implications of a specific proposed project if it meets the DZC form and use limitations. The City’s Advancing Equity in Rezoning Task Force and the Board have both, for some time, been discussing the map amendment criteria and their interpretations and look forward to further professional development and discussion around the criteria and their legal meaning in the context of the Board’s work.



November 25, 2023

Dear Denver City Council members,

Application #: 22i-00047

Address: 4850 Federal Blvd

The Chaffee Park Neighborhood Association (CPNA) is concerned that this rezoning request will impact the health and safety of residents adjacent to this property; and are disappointed that the timing of this rezone will not be informed by recommendations in the neighborhood plan that has not yet been adopted. Conversation among neighbors during the neighborhood planning process recommends against car-oriented drive-thru uses being the future of Federal Blvd. Where Regis is creating additional residential and educational uses along Federal, this requested map amendment is increasing drive-thru uses instead of eliminating them, which is moving in the wrong direction for our neighborhood.

The planned use and future uses with zoning E-CC-3X (commercial mixed use) change will set a new precedent allowing commercial businesses to extend to Eliot St. increasing the noise, light and pollution adjacent to residential homes without any required buffer. Currently there's no commercial building that extends to Eliot St from 20 th Ave to 52 nd Ave. The zoning that would not allow drive-thrus does not currently exist, yet is recommended in our neighborhood plan that is going through the adoption process. Other concerning health impacts on neighbors include: increased noise pollution, light pollution, drive- thru that directs car lights towards residential, air pollution from idling cars—and all of these things at unreasonable hours of business (to 1:30 or weekends 3:30 AM!). We are disappointed that a Good Neighbor Agreement has not been reached where these hours should be negotiated to a reasonable hour. However, we are overall concerned that this business' model of success seems to be based on late hours and drive-thru service—things that are antithetical to the wellbeing of neighbors surrounding the business without some sort of buffer in place.

Instead of treating this like the gateway to our community it is, bringing in a drive-thru is a magnet of traffic and congestion; that discourages walking, public transit use and visits to neighborhood businesses. Drive-thrus also lead to accidents with pedestrians, cyclists and other cars, and contradict the environmental and livability goals of the neighborhood plan and the future of Federal Blvd. Adding additional idling cars in a drive-thru to an area already over-impacted by the I70 highway is increasing health risks to residents there, and should be mitigated if not entirely avoided.

For these reasons, we oppose this zoning change at this time. We believe that it should be denied, or at least be delayed until a GNA is in place and the Chaffee Park neighborhood plan is adopted. We believe that the criteria of safety, health and wellbeing for neighbors adjacent to this property is being put in jeopardy and that is not in alignment with the upcoming neighborhood plan we have been working on for over 2 years. We believe there should be a zoning allowance specific for the future roll out of Federal Blvd (and other similar corridors dominated by fast-food and gas stations directly adjacent to residential and university uses) that would allow mixed use residential without drive-thrus. We need our zoning to represent our values and future vision for the neighborhood that goes away from car-oriented uses that sacrifice the health of those around it.

We appreciate your attention and consideration of these issues,

Samuel L. Cheser, Treasurer and registered contact, signing on behalf of the Chaffee Park Registered Neighborhood Association Board: Alison O'Kelly, Nola Miguel, Samuel L. Cheser

Samuel L. Cheser

From: [Haigh, Robert M. - CPD CE0429 City Planner Senior](#)
To: [Glick, Libbie A. - CPD Senior City Planner - Community Planning and Development](#)
Subject: FW: Vehemently Opposing proposed Zoning change
Date: Monday, September 25, 2023 9:46:43 AM
Attachments: [image001.png](#)

It seems that my name or email got attached to this one. I'll forward anything I receive as needed.

Thanks!



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Rob Haigh | Senior City Planner
Community Planning and Development | City and County of Denver
[Pronouns](#) | He/Him/His
phone: (720) 865-2608

[311](#) | denvergov.org/CPD | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: Itkin, Richard <richard.itkin@cgi.com>
Sent: Monday, September 25, 2023 9:43 AM
To: Haigh, Robert M. - CPD CE0429 City Planner Senior <Rob.Haigh@denvergov.org>; Sandoval, Amanda P. - CC Member District 1 Denver City Council <Amanda.Sandoval@denvergov.org>
Cc: richierich22@gmail.com
Subject: [EXTERNAL] Vehemently Opposing proposed Zoning change

This Message Is From an External Sender

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This message came from outside your organization.

Classification: Non-Business

I am writing to **vehemently OBJECT and OPPOSE this proposed Zoning Change**. Although I cannot attend the 10/04/23 Public Hearing, please take this as my strong VOTE -NO for this proposed change. I am a resident owner on 52nd and Federal/Eliot Street and the following are all valid reasons WHY NOT TO APPROVE THIS Change—AND the NEGATIVE IMPACT it will have on this already dilapidated area of Federal Blvd:

1. There are already NO LESS THAN (5) FAST FOOD Restaurants within a 1 mile stretch of this section of Federal Blvd (Taco Bell, McDonalds, Wendy's, Burger King and Good Times)—WHY IN THE WORLD is another FAST FOOD restaurant NEEDED? Aren't there any DENSITY PLANNING Criteria considered in your decision making process? Seriously folks???
2. This restaurant will border residential homes and create significantly INCREASED NOISE Pollution as was indicated by a NEWS 7 and CBS News report for the restaurant being considered
3. This does not map to the Near NW Master Plan for 2024 which does not ALLOW this type of development and encourages LOCALLY OWNED businesses and restrictions on DRIVE -THRU's like this one.

4. INCREASED AIR POLLUTION created by another Fast Food restaurant and the auto traffic created by drive-thru's.
5. #4 has a NEGATIVE EFFECT on our neighborhood, our Children and will increase unwanted TRASH accumulation and debris as well as not Helping to ELEVATE this section of town.
6. There have already been NUMEROUS ZONING violations at this Property including (2) 5-ALARM FIRES and Multiple calls to police.

PLEASE PLEASE PLEASE do not allow this to take place. It is BAD enough that there are no family oriented businesses and/or neighborhood grocery stores in this area and that Federal Blvd has WAY TOO MANY Gas Stations (again, no density studies) on this stretch as well as unsavory visitors that ROB and steal our valuable personal property on regular basis (YES, I have been the victim of numerous vandalism cases).

4850 N Federal Blvd

Zoning change: zoning change from B-3, P-1 to E-CC-3x

Case number: 20221-00047

Documents:

Thank you and await your reply.

Regards,

Rich

Richard (Rich) Itkin
Director, Consulting; Government Solutions
Mobile: 571.332.1234

From: [Haigh, Robert M. - CPD CE0429 City Planner Senior](#)
To: [Glick, Libbie A. - CPD Senior City Planner - Community Planning and Development](#)
Subject: FW: [EXTERNAL] 4850 Federal Zoning
Date: Monday, September 25, 2023 3:26:00 PM
Attachments: [image001.png](#)

Another one!



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Rob Haigh | Senior City Planner
Community Planning and Development | City and County of Denver
[Pronouns](#) | He/Him/His
phone: (720) 865-2608

[311](#) | denvergov.org/CPD | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: RICK MILLER <rickmillerdenver@comcast.net>
Sent: Monday, September 25, 2023 3:00 PM
To: Haigh, Robert M. - CPD CE0429 City Planner Senior <Rob.Haigh@denvergov.org>
Subject: [EXTERNAL] 4850 Federal Zoning

This Message Is From an Untrusted Sender

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You have not previously corresponded with this sender.

Hi Rob-

I live in Chaffee Park and oppose this zoning change request.

Thank you
Rick Miller

From: [Haigh, Robert M. - CPD CE0429 City Planner Senior](#)
To: [Glick, Libbie A. - CPD Senior City Planner - Community Planning and Development](#)
Subject: FW: Zoning Meeting Oct 4th
Date: Monday, September 25, 2023 10:42:40 AM
Attachments: [image001.png](#)

Got another one!



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Rob Haigh | Senior City Planner
Community Planning and Development | City and County of Denver
[Pronouns](#) | He/Him/His
phone: (720) 865-2608

[311](#) | denvergov.org/CPD | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: Scott Palmer <passportphoto@msn.com>
Sent: Monday, September 25, 2023 10:35 AM
To: Haigh, Robert M. - CPD CE0429 City Planner Senior <Rob.Haigh@denvergov.org>
Subject: [EXTERNAL] Zoning Meeting Oct 4th

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To whom it may concern:

I will not be able to attend the meeting about the rezoning of Federal Blvd scheduled for October 4th. However, I am a homeowner in the area and send this note in favor of the zoning changes. We need more density and retail options in this area. Regarding Raising Canes, I am not sure more fast food is what we need here, but I prefer this to a derelict former Village Inn.

I am in favor of revitalizing this commercial stretch. Hopefully with better options than just more fast food.

Thank you for your time.

Scott Palmer
1750 W Berkeley Pl.

Sent from my Verizon, Samsung Galaxy smartphone

Planning Board Comments



Submitted on	25 September 2023, 12:50PM
Receipt number	575
Related form version	3

Your information

Name	Elizabeth Adams
Address or neighborhood	Chaffee Park
ZIP code	80221
Email	elizabethn119@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	4850 N. Federal Blvd.
Case number	22i-00047

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project your would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

Chaffee Park and this area of Federal does not need another fast food restaurant. There is already 5 within less than a mile mile strip. What this neighborhood needs is grocery stores. It is currently a food desert. We do not need more noise and more car pollution. The people who own homes on Eliot between 49th and 48th should not be subjected to a drive through. The state is already questioning how good these types of places are for the neighbors and environment. Please do not allow this rezoning to happen.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

From: [Kristina Steger](#)
To: [Glick, Libbie A. - CPD Senior City Planner - Community Planning and Development](#)
Subject: [EXTERNAL] 4850 N Federal Blvd Zoning Proposal
Date: Thursday, November 16, 2023 12:23:49 PM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

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Hello,

I am a homeowner in Chaffee Park and am **OPPOSED** to the rezoning proposal. Residents of this Northwest Denver area would like to see locally owned coffee shops, restaurants, breweries, etc. in this area. We cannot have another fast food restaurant in this stretch.

Please reach out if you have questions for me.

Thank you,
Kristina Steger

Friends and Neighbors,

Some of you may know that the property across the street from us, at 4850 Federal Blvd, is being redeveloped. This new development, on the back side of the lot, required a zoning change from a P1 (short term parking) to a E-CC-3X (commercial mixed use) zoning. The previous P1 zone only allowed for short term parking. This new zoning will allow them to build all the way to Eliot St. increasing the noise, light and pollution adjacent to our homes. Currently there's no commercial building that extent to Eliot St from 20th Ave to 52nd Ave.

Zoning Change Proposed

November 27, 2023 at 5:30pm

What: The property owner is proposing to change the zoning at 4850 N. Federal Blvd. The current zoning of B-3 and P-1, which are districts in the Former Chapter 59 Zoning Code and allow for commercial uses with surface parking. The zoning requested, S-CC-3x, is a commercial corridor district in the Denver Zoning Code and allows for a variety of commercial uses.

Public Hearing for Rezoning

1437 Bannock St., Denver, Room 450 or join online (link below)
Monday, November 27 at 5:30 PM



Submit comments: Visit denvergov.org/proposedrezonings for:

- Details of the proposed change

Visit denvergov.org/citycouncil for:

- Instructions for submitting comments/questions
- How to attend the public hearing online

For reference: Application #: 22i-00047
Current zone district: B-3 and P-1
Proposed zone district: E-CC-3x



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Posted from November 6, 2023 to November 27, 2023.

Proposed rezoning link:

<https://denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Community-Planning-and-Development/Denver-Zoning-Code/Map-Amendments/4850-N-Federal-Blvd>

City Council link:

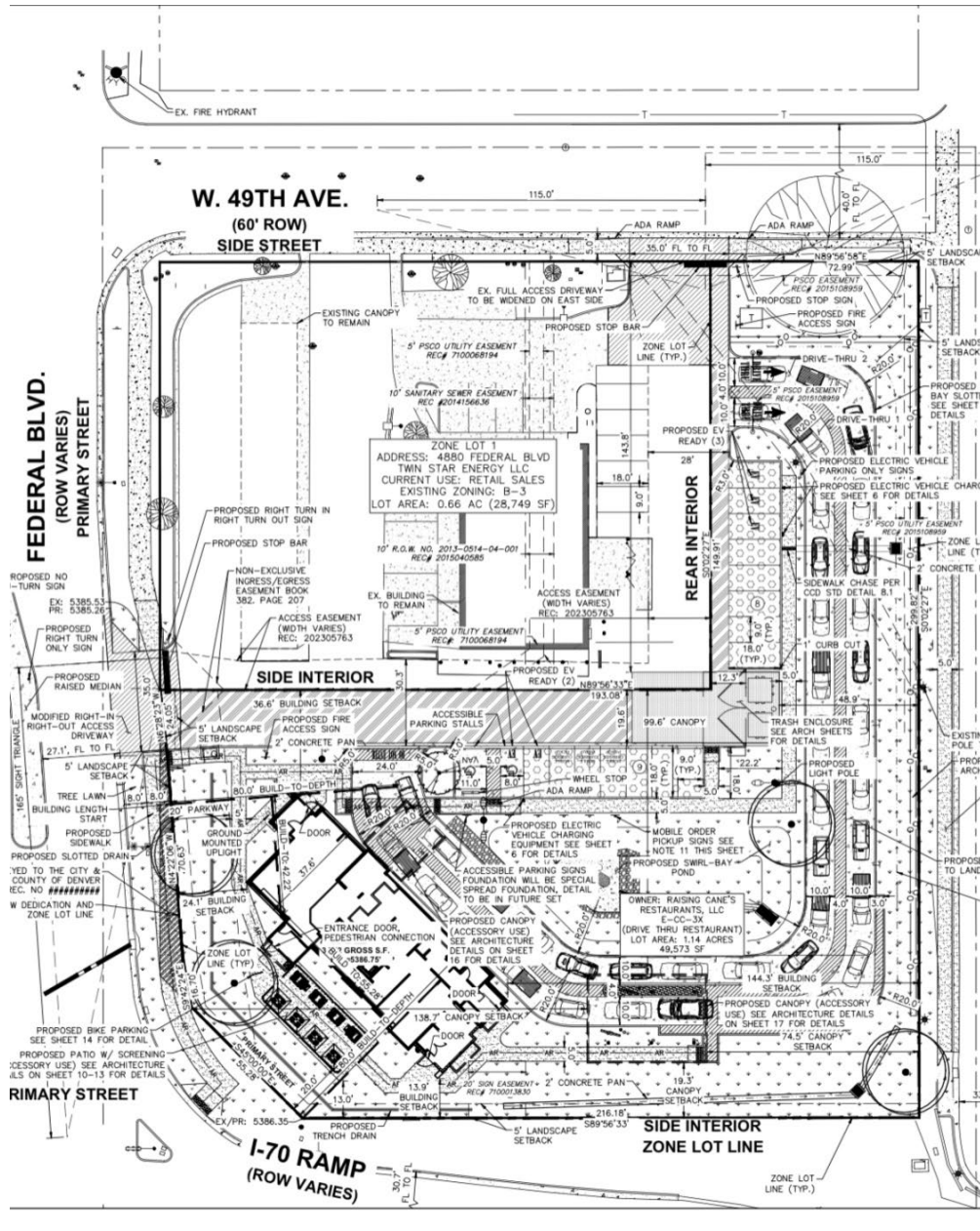
<https://denvergov.org/> <https://denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Denver-City-Council/citycouncil>

Final process for Zoning Change Approval.

This is the posting which has the date of the hearing and how to submit your letter and attend the hearing. Above are links to the Proposed Rezoning and Approval where you can write a letter to city council in opposition to the development. You can also attend the meeting in person or by Zoom.

The Denver City Council will be hearing this case at their meeting on November 27, 2023 at 5:30 PM. Please refer to photo in regards to the public meeting.

The new owner is Raising Cane's (a fast food drive thru). Their plans show two ordering lanes running parallel to our homes just 60 feet from our property lines. See site plans below...



Unfortunately Denver Zone Board has already approved the rezoning, though many of the board members voiced their concerns about the effect on the adjacent homes. They wrote a rebuttal to the city council for a lack of zonings codes that could be used to buffer the residents from business.

**** At the end of this document is the Rebuttal letter from the Zoning Board sent to City Council ****

Our Research

Included below is more information on some of the research articles including Denver's 2050 plans, Vision Zero, and the Near Northwest plan which conflict with this zoning and business development.

And in more detail are the concerns about noise, light, air pollution, pedestrian vs motor vehicle accidents and including how traffic flow will negatively impact the community.

Here are the facts:

Denver has a document, Denver moves everyone 2050, which you can access at DenverMovesEveryone.com/

The first paragraph states:

Denver Moves Everyone 2050 (DME) is a city-wide transportation plan aimed at moving everyone and everything equitably, safely, and sustainably and reflects the vision and values of Denverites for building a world class transportation system between now and 2050.

Looking thru this document the decision to allow a drive thru along a residential street would not fit into the 2050 vision.

I am referencing section 1.5 Strategy Recommendations. I focused on Safety and achieving a vision zero traffic deaths and serious injury. Atlanta this year passed an ordinance prohibiting drive thru amid concerns of pedestrian accidents. A research project done in Atlanta showed 14 pedestrians were hit and died of injuries while crossing on sidewalks that were in front of drive thru businesses, another 57 were seriously injured. The study did not include bicyclist.

The long term plan for Federal Blvd is to make it more walkable and bike friendly. Also in the plan is to have a one lane bus rapid transit, BRT, along Federal running on the right lane (this is something easily googled if you would like more information). The traffic from the business will be directed north onto Federal, just feet away from the ramp off of I70 and onto Federal. There is also an entrance to another business, a gas station, as well as a bus stop within a block along that same side of Federal. We have asked, but have not been told how traffic will be directed back to the south, for vehicles to get back onto I70. We believe much of this traffic will go through the neighborhood to go south, which again is a problem for the whole neighborhood.

The rebuttal statement sent by zoning to city council states that BRT service along Federal is a significant transit improvement which may be incompatible with a more auto-centric forms and uses (meaning a drive thru is not compatible with the BRT vision).

Also on that same page note the information under sustainability about reducing urban heat, improve air quality by reducing transportation related emissions and to address Denver's climate crisis. Please also refer to figures 3.20 which already indicated at I70/Federal a high injury network and serious crash concentration. Figure 3.24 shows the same area as having higher climate vulnerability then the surrounding area within our neighborhood. Figure 3.26 shows in our area higher rates of asthma. And the last figure 3.31 vulnerability to displacement shows our area at this time to lean towards the "most vulnerable to be displaced". One of the statements we found profound was that the status quo needs to change especially for climate change and that wrong decisions from years past for development need to be righted (such as along Federal north of I70 the amount of drive thru businesses).

Denver also has a 2022 vision for zero deaths by vehicles, which includes pedestrians and bicyclist. Drive thru businesses as stated in so many reports would not allow Denver to achieve this goal.

We believe the development plan is not in alignment with the plans developed by the City and County of Denver and will not help us meet the goals that were set forth in the document.

In our research we found a Denver post article that the City of Golden is in discussions of eliminating drive-thru business. Boulder has also denied permits to new drive thru businesses. Many cities have limited or ended drive thru businesses.

Green living detective website states drives thru businesses are not good for your health and have negative impacts especially when near residential areas. They state the biggest impact is cars idling in line. Cars emit many harmful pollutants, as most of us know which contribute to air pollution, smog and climate change. We know that living along major roadways and along drive thru businesses which increase your risk of asthma, chronic respiratory diseases, heart disease and cancers, which in turn shortens our life span.

Currently we are working with Raising Cane's on a good neighbor agreement (GNA). We asked that the business closes at 10:00 PM Sunday-Thursday and midnight on Friday and Saturday since the drive thru lanes will run along Eliot St where children, working adults and elderly live. Unfortunately they have responded that their plans are to be open until 1:30 am Sunday-Thursday and Friday and Saturday till 3:30 AM. We have compared these hours to the other drive thru businesses in our neighborhood, and this does not align with them. We also looked at the other locations that Raising Cane's is operating in the metro area and none of their other location stay open that late (plus these other locations are not anywhere near residential homes).

We are asking is if you could go to City Council link, at the beginning of this document, scroll down just a little and go to public input icon to submit a comment on how allowing this new drive thru business to be built does not align with the vision that Denver wants to implement to keep our population safe and healthy.

Below are links to articles if you would like to read or to attach to your statement to city council.

<https://www.dailycamera.com/2022/07/22/raising-canes-plans-for-boulder-restaurant-fall-amid-concerns-over-hours-drive-through/>

[Golden looks into limiting drive-thrus | 9news.com](#)

<https://www.cbsnews.com/news/drive-thrus-creating-problems-cities-towns/>

Thank you,
Joan and Paul Engler

Application #: 22i-00047
Address: 4850 Federal Blvd

Paul Engler
4884 Eliot St.
pengler@comcast.net

Opposition of Rezoning

Council Members: Amanda Sandoval, Kevin Flynn, Jamie Torres, Diana Romero Campbell, Amanda Sawyer, Paul Kashmann, Flor Alvidrez, Shontel M. Lewis, Darrel Watson, Chris Hinds, Stacie Gilmore, Serena Gonzales-Gutierrez, Sarah Parady

This rezoning will have harmful effects to the quality life of the families and homes adjacent to this proposed rezoning. I oppose this rezoning change and encourage the City Council to deny approval.

Zoning board rebuttal letter to City Council (*letter at the end of this document*)

- 1) Planned Use and Future Uses with zoning E-CC-3X (commercial mixed use) change.
- 2) Lack of Zoning Codes for buffering Commercial and Residential.

New precedent set for commercial buildings next to residential homes with zoning change:

Changing from a P1to E-CC-3X zone will set a new precedent allowing commercial businesses to extend to Eliot St. increasing the noise, light and pollution adjacent to our homes. Currently there's no commercial building that extend to Eliot St from 20th Ave to 52nd Ave.

Noise – Lights – Air Pollution – Planed Hours

Negative impact on residents and neighborhood

Noise Pollution:

- Residential property within 60ft of business and drive thru lanes.
- History of noise citations.

Lights Pollution:

- Drive Thru order lanes will direct car lights towards residential homes. Fence height zoning restriction.

Air Pollution:

- The Drive Thru business being considered averages 274 cars per day with an average of 15 to 20 vehicles idling in the line 17 ½ hours a day, 7 days a week and just 60ft from homes.
[raising cane's number of customer per day - Google Search](#)

Conflict of Planed Hours of Business:

- **Business:** Sunday through Thursday 10am – 1:30am, Friday and Saturday 10am – 3:30am
- **Neighbors:** Sunday through Thursday 11am – 10pm, Friday and Saturday 11am – 12:00am

Drive-thrus are causing problem in Cities

- Magnets of traffic and congestion, drive-thrus discourage walking, public transit use and visits to neighboring businesses. They also lead to accidents with pedestrians, cyclists and other cars, and contradict the environmental and livability goals of many communities.
- Link: [Why cities want to ban new drive-thrus | CNN Business](#)

Good Neighbor Agreement: Pending

Conflicts with Denver's 2050 plans, Vision Zero and Near Northwest plan

Included below is more information on some of the research articles including Denver's 2050 plans, Vision Zero, and the Near Northwest plan which conflict with this zoning and business development.

Additional Information:

Denver has a document, Denver moves everyone 2050, which you can access at

DenverMovesEveryone.com/

The first paragraph states:

Denver Moves Everyone 2050 (DME) is a city-wide transportation plan aimed at moving everyone and everything equitably, safely, and sustainably and reflects the vision and values of Denverites for building a world class transportation system between now and 2050.

2050 Vision.

I am referencing section 1.5 Strategy Recommendations. I focused on Safety and achieving a vision zero traffic deaths and serious injury. Atlanta this year passed an ordinance prohibiting drive thru amid concerns of pedestrian accidents. A 4 year research project done in Atlanta showed 14 pedestrians were hit and died of injuries while crossing on sidewalks that were in front of drive thru businesses, another 57 were seriously injured. The study did not include bicyclist.

The long term plan for Federal Blvd is to make it more walkable and bike friendly. Also in the plan is to have a one lane bus rapid transit, BRT, along Federal running on the right lane (this is something easily googled if you would like more information). The traffic from the business will be directed north onto Federal, just feet away from the ramp off of I70 and onto Federal. There is also an entrance to another business, a gas station, as well as a bus stop within a block along that same side of Federal. We have asked, but have not been told how traffic will be directed back to the south, for vehicles to get back onto I70. We believe much of this traffic will go through the neighborhood to go south, which will be added traffic with air, noise, light and trash pollution.

Also on that same page note the information under sustainability about reducing urban heat, improve air quality by reducing transportation related emissions and to address Denver's climate crisis. Please also refer to figures 3.20 which already indicated at I70/Federal a high injury network and serious crash concentration. Figure 3.24 shows the same area as having higher climate vulnerability then the surrounding area within our neighborhood. Figure 3.26 shows in our area higher rates of asthma. And the last figure 3.31 vulnerability to displacement shows our area at this time to lean towards the "most vulnerable to be displaced". One of the statements we found profound was that the status quo needs to change especially for climate change and that wrong decisions from years past for development need to be righted (such as along Federal north of I70 the amount of drive thru businesses).

In our research we found a Denver post article that the City of Golden is in discussions of eliminating drive-thru business. Boulder has also denied permits to new drive thru businesses. Many cities have limited or ended drive thru businesses.

Green living detective website states drives thru businesses are not good for your health and have negative impacts especially when near residential areas. They state the biggest impact is cars idling in line. Cars emit many harmful pollutants, as most of us know which contribute to air pollution, smog and climate change. We know that living along major roadways and along drive thru businesses which increase your risk of asthma, chronic respiratory diseases, heart disease and cancers, which in turn shortens our life span.



Denver Planning Board
Caitlin Quander, Chair

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www.denvergov.org/planning

TO: Denver City Council
FROM: Denver Planning Board
DATE: October 30, 2023
RE: Legislative Map Amendment 2022I-00047, 4850 N Federal Blvd

Documentation of Deliberations

On 4 October 2023 the Denver Planning Board held a public hearing on the above referenced map amendment. The Planning Board unanimously recommended that City Council approve the proposed rezoning, but had considerable discussion concerning the application and unanimously agreed to summarize key elements of the Board's deliberations in this Documentation of Deliberation to provide additional context to City Council.

A number of Board members expressed frustration that while the application clearly met the applicable criteria—and thus they felt it was appropriate to recommend its approval—there were numerous concerns which the Board was unable to address.

These concerns were brought to the fore by the owner's stated intention to develop a drive-thru restaurant on the site, an allowed use and form in the proposed zone district. The Board heard testimony that in the current NPI process community members have expressed concerns about and a desire to limit future auto-centric development along the Federal Corridor. Adopted plans also include plans to implement BRT service along the Federal Corridor, a significant transit improvement which may be incompatible with more auto-centric forms and uses. The Board expressed frustration that they were unable to take into consideration on-going, but unadopted, planning efforts and that the current zoning limitations on drive-thru uses and forms based on planned and implemented transit improvements may be ineffective in this case, potentially resulting in a redevelopment which appears at odds with the future vision for the Federal Corridor. The rezoning criteria require the Board to review a rezoning "project blind," considering only the proposed zone district and all building forms and uses it allows. However, knowledge of the intended development made the Board's deliberation difficult.

Some members indicated concern that once a rezoning is approved there is no mechanism within the City's development review process to consider the public health, safety and general welfare implications of a specific proposed project if it meets the DZC form and use limitations. The City's Advancing Equity in Rezoning Task Force and the Board have both, for some time, been discussing the map amendment criteria and their interpretations and look forward to further professional development and discussion around the criteria and their legal meaning in the context of the Board's work.





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