



TO: Land Use, Transportation & Infrastructure Committee of the Denver City Council
FROM: Scott Robinson, Senior City Planner
DATE: May 18, 2017
RE: Official Zoning Map Amendment Application #2016I-00112

Staff Report and Recommendation

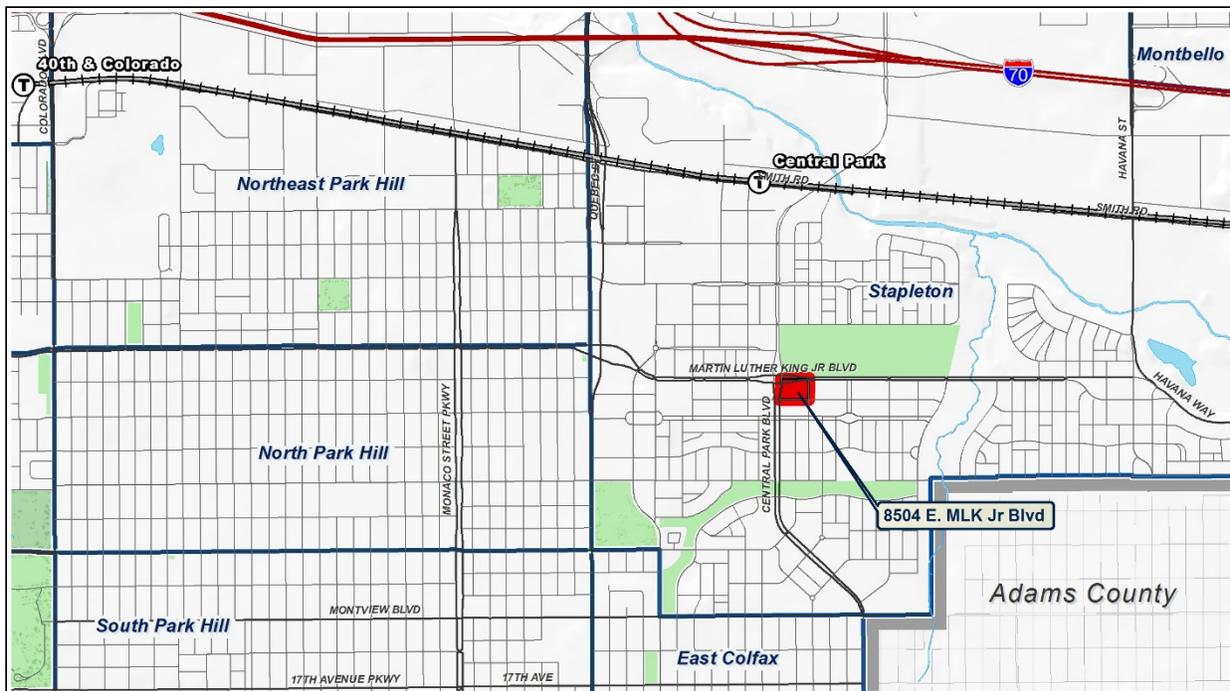
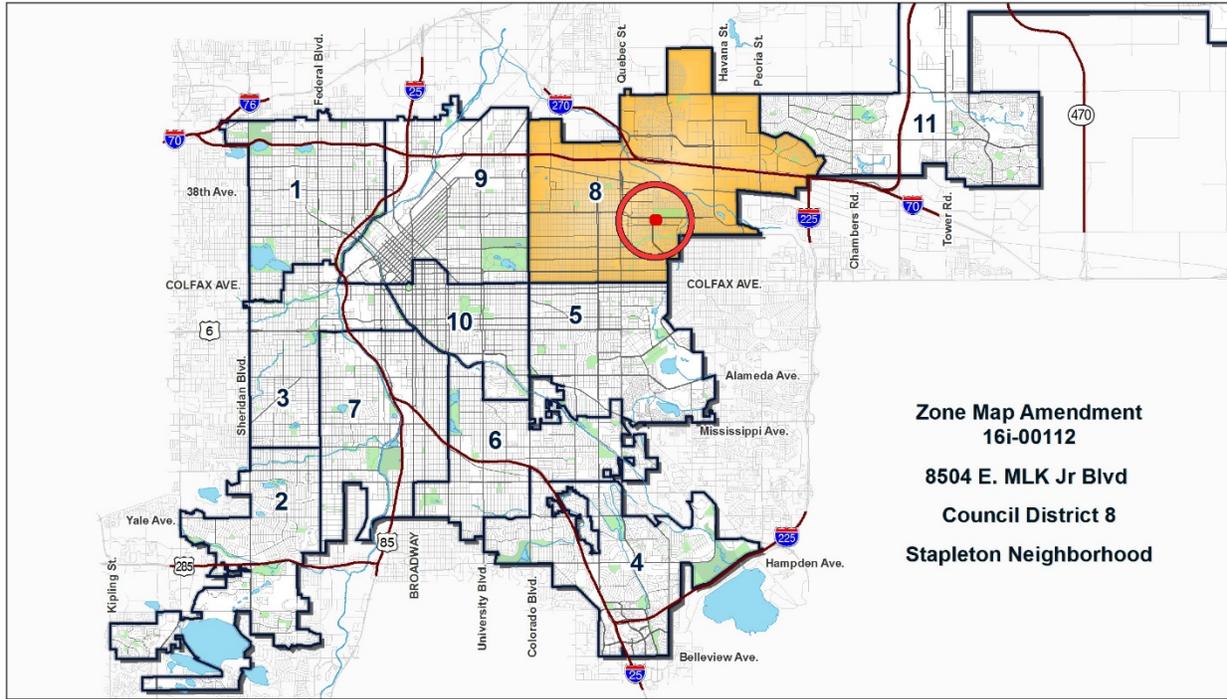
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00112.

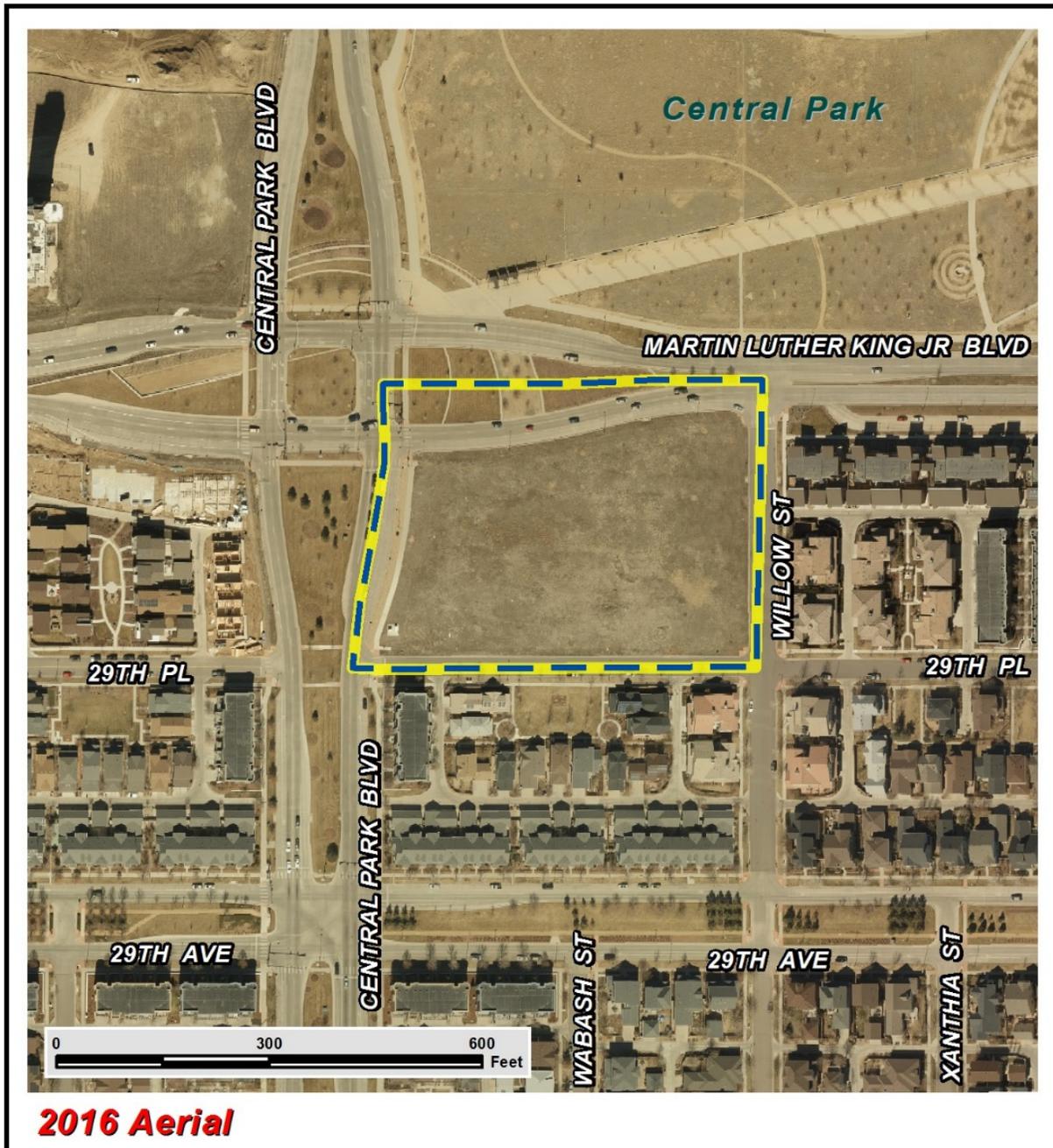
Request for Rezoning

Address:	8504 E. Martin Luther King Jr. Blvd. & 2962 N. Central Park Blvd.
Neighborhood/Council District:	Stapleton / Council District 8
RNOs:	Stapleton United Neighbors, Stapleton Master Community Association, Inter-Neighborhood Cooperation, Denver Neighborhood Association, Inc.
Area of Property:	3.04 acres
Current Zoning:	C-MU-20
Proposed Zoning:	M-RX-5A
Property Owner(s):	FC Stapleton II, LLC & Park Creek Metropolitan District
Owner Representative:	Bruce O'Donnell, Starboard Realty Group

Summary of Rezoning Request

- The property is located in Stapleton, at the intersection of E. Martin Luther King Jr. (MLK) Blvd. and N Central Park Blvd., across from Central Park.
- The property is currently vacant and occupies an entire block, also bounded by E. 29th Place and N. Willow St.
- The applicant is requesting the map amendment to allow for development of the site in a manner compatible with the Stapleton neighborhood.
- The **M-RX-5A** (**M**aster Planned, **R**esidential **Mi**xed Use, **5** story height maximum, **A**dditional residential building forms) zone district is intended to promote development of new neighborhoods up to five stories in height. Zone districts in the Master Planned context are only allowed within a General Development Plan (GDP) of at least 50 acres and may not be within ¼ mile of a transit station. The zone district allows a wide variety of building forms, including suburban and urban houses, duplexes, townhouses, apartments, and general buildings. Allowed uses include single- and multifamily dwellings, restaurants, offices, retail and service businesses, and schools, among others. Further details of the zone districts can be found in Article 9 of the Denver Zoning Code (DZC).





Existing Context

The subject property is one of a few remaining undeveloped parcels in central Stapleton. Across the street to the north is Central Park. To the south and east are predominantly attached and detached single-family residential units. To the west along MLK Blvd is a mix of single-family residential, multi-family residential, and commercial uses. There is RTD bus service on Central Park Blvd. and on 29th

Avenue, one block to the south. The Central Park Station on the University of Colorado A Line is approximately three quarters of a mile to the north.

The following table summarizes the existing context around the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	C-MU-20	Vacant	N/A	Generally irregular grid of streets; Willow Street interrupted north of MLK Blvd by Central Park. Block sizes and shapes are generally rectangular but vary in size and orientation. Vehicle parking to the side or rear of buildings (alley access).
North	OS-A	Park	Trails through areas of native grasses	
South	R-MU-30 with waivers	Single-family residential	2-3 story townhouses and duplexes lining the edge of the block and detached houses surrounding courtyard in the center	
East	R-MU-30 with waivers	Single-family residential	A mix of 2-3 story duplexes and townhouses	
West	C-MU-20 (with PBG)	Single-family residential, multi-family residential, commercial	2-3 story townhouses, duplexes, and detached units with 3-4 story apartments and commercial buildings further to the west	

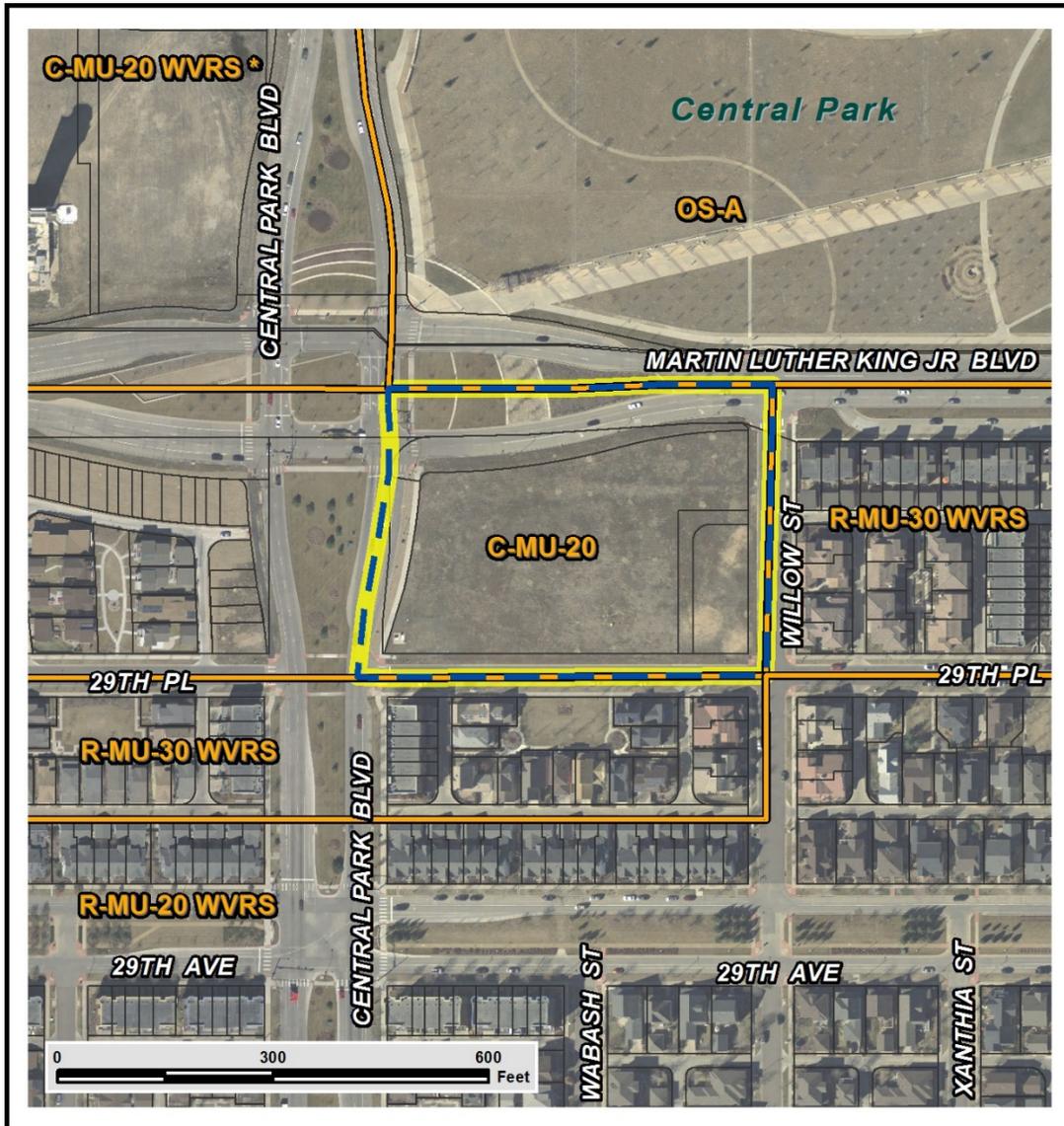
1. GDP

The property falls within the Stapleton Redevelopment South Area General Development Plan (GDP), which covers the Stapleton neighborhood south of I-70. The development concept for the GDP includes guiding principles to, among other things, facilitate the development of a broad mix of housing types, densities, and price ranges, and create neighborhoods which incorporate multiple uses and walk to work possibilities. The GDP identifies the locations of Central Park, Central Park Blvd., and MLK Blvd. – which was intended to be a one-way couplet eastbound south of Central Park and westbound north of the park. The Land Use Plan in the GDP identifies the subject property as Residential. The rezoning would be consistent with the development concept of the GDP.



Stapleton Redevelopment South Area GDP Land Use Plan

2. Existing Zoning



The current C-MU-20 zone district is described in Former Chapter 59 (FC59) Section 301(a)(5) as providing for “a mix of commercial, residential, and industrial uses along or near arterials or other high travel streets.” The amount of development is controlled by an allowed floor area ratio of 1.0. There is no maximum height and no required front setback, except for one and two unit residential structures, which have a 10 foot required front setback.

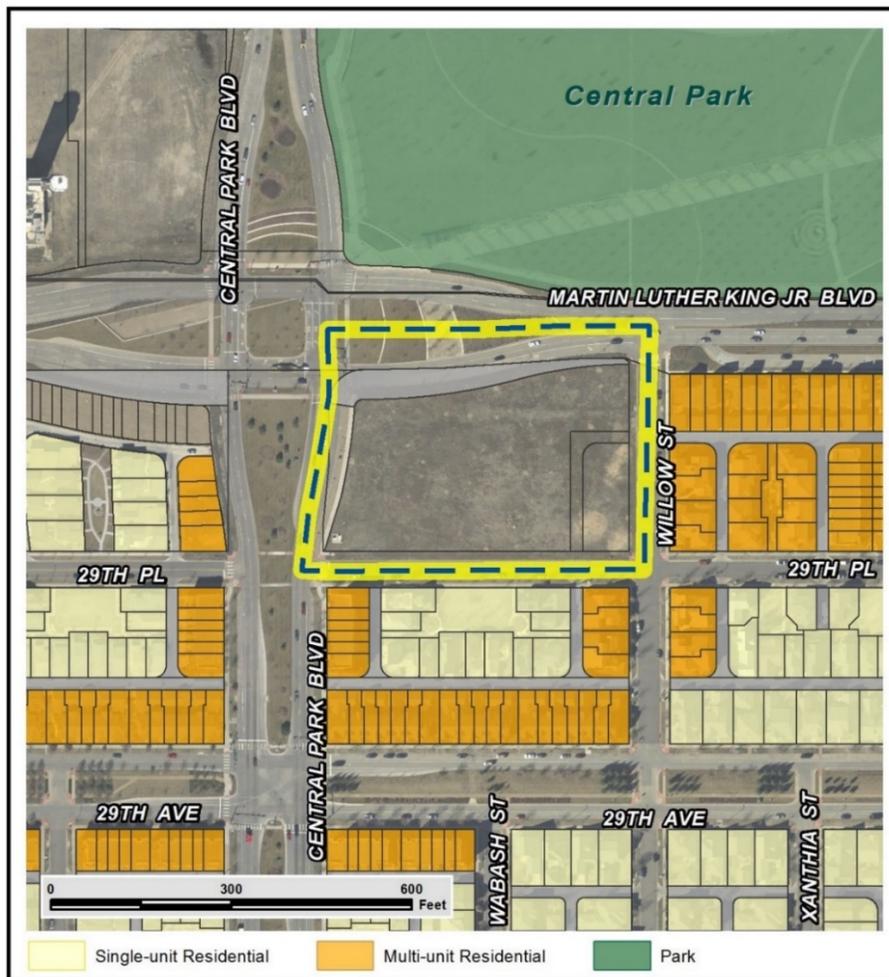
The site retains its FC59 zoning because in 2010 it was thought the property was located in the Stapleton Residential Development Plan for Filing No. 9, a kind of Planning Building Group (PBG). The policy during the 2010 rezoning was to not rezone any properties that were part of a PBG, so the property retained its FC59 zoning. Upon closer examination of the PBG document, the property

in question is specifically excluded from the PBG. In 2012 a similarly-situated property located two blocks to the west, also specifically excluded from the same PBG, was rezoned from C-MU-20 to U-RX-5. If this rezoning is approved there would be no impacts to the properties that remain in the PBG in the FC59 R-MU-30 and C-MU-20 zone districts.

3. Urban Design Standards & Guidelines

The Design Guidelines for Stapleton apply to development on this site. They were adopted in 1999 and amended in 2004. The document is concerned with site design, building design, signs, landscaping, and streetscape. The guidelines are intended to “accommodate a broad mix of development types that encourage alternative transportation, especially walking and transit use” and to “create a built environment that is in scale and character with pedestrian oriented activities.” The guidelines are enforced by Community Planning and Development through the development review process. The Design Guidelines apply throughout the southern portion of Stapleton. They will apply to this property regardless of whether this rezoning application is approved.

4. Existing Land Use Map



5. Existing Building Form and Scale



Site – at MLK Blvd. and Central Park Blvd.



North – from Central Park Blvd.



East – from Willow St.



South – from 29th Place



West – from MLK Blvd.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approved – No comments.

Environmental Health: DEH is not aware of environmental concerns here that would impact the request and does not object to the rezoning.

- **General Notes:** Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
- If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.
- The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.
- Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
- **Scope & Limitations:** DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Development Services – Wastewater: Approved – No comments.

Public Works – City Surveyor: Approved – No comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	3/1/17
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 and registered neighborhood organizations:	4/18/17
Planning Board voted 5 to 4 at the public hearing to recommend approval to City Council:	5/3/17
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	5/8/17
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	5/23/17
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	6/19/17
City Council Public Hearing (tentative):	7/10/17

- Summary of Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)**
 - To date, no comment letters have been received from Registered Neighborhood Organizations.
 - **Other Public Comment**
 - To date, no other comment letters have been received.

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 apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Stapleton Development Plan (1995)

Denver Comprehensive Plan 2000

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

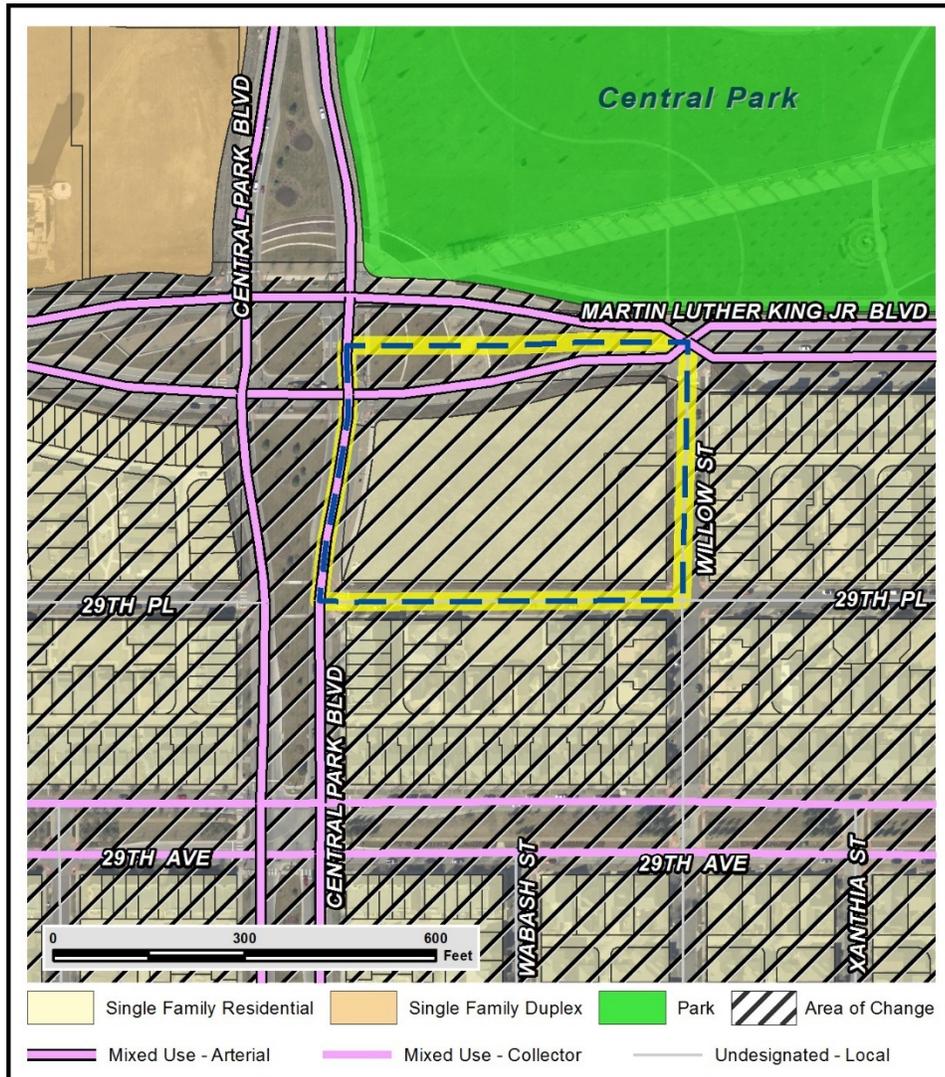
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Housing Strategy 6-A – *Support mixed-use development consistent with the goals of the Comprehensive Plan’s land-use and mobility strategies.*

The proposed map amendment would enable mixed-use development at a location where services and infrastructure are already in place. The M-RX-5A zone district would allow a variety of uses compatible with the existing residential development surrounding the property. The rezoning is consistent with these plan recommendations.

Blueprint Denver

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

Future Land Use



Single Family Residential areas are places where “single-family homes are the predominant residential type,” “densities are fewer than 10 units per acre,” and “the employment base is significantly smaller than the housing base” (p. 42). The proposed M-RX-5A zoning would allow a mix of residential and commercial uses at densities that could exceed 10 units per acre, depending on the specific development. When looking only at the property in question, the residential focus of the proposed zone district is consistent with the Blueprint Future Land Use classification, but the intensity of allowed commercial and residential development is not. However, when looking at the larger Single Family Residential area in Stapleton, more intense commercial and residential development on the subject property would be balanced out by the surrounding lower-intensity residential development. The area as a whole would have a significantly larger housing base than employment base, consistent with plan direction.

Area of Change / Area of Stability

As noted, the site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). Blueprint Denver provides additional specific guidance for the Stapleton Area of Change: “When complete, the Stapleton neighborhoods will consist of a network of urban villages with employment centers, parks and open space” (p. 134). The plan also says the Stapleton, Gateway, and Lowry sites “offer the potential to create new neighborhoods that embody the best characteristics of Denver’s traditional residential areas. The Blueprint Denver scenario calls for a level of local retail, services and jobs to support the needs of residents who will occupy future housing on these sites. Such a development pattern ensures that residents can find goods, services and employment close to home and may help reduce the number and length of trips taken” (p. 22).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. Access to jobs, housing, and services would improve with the proposed M-RX-5A zone district, contributing to a complete urban village, consistent with plan direction.

Street Classifications

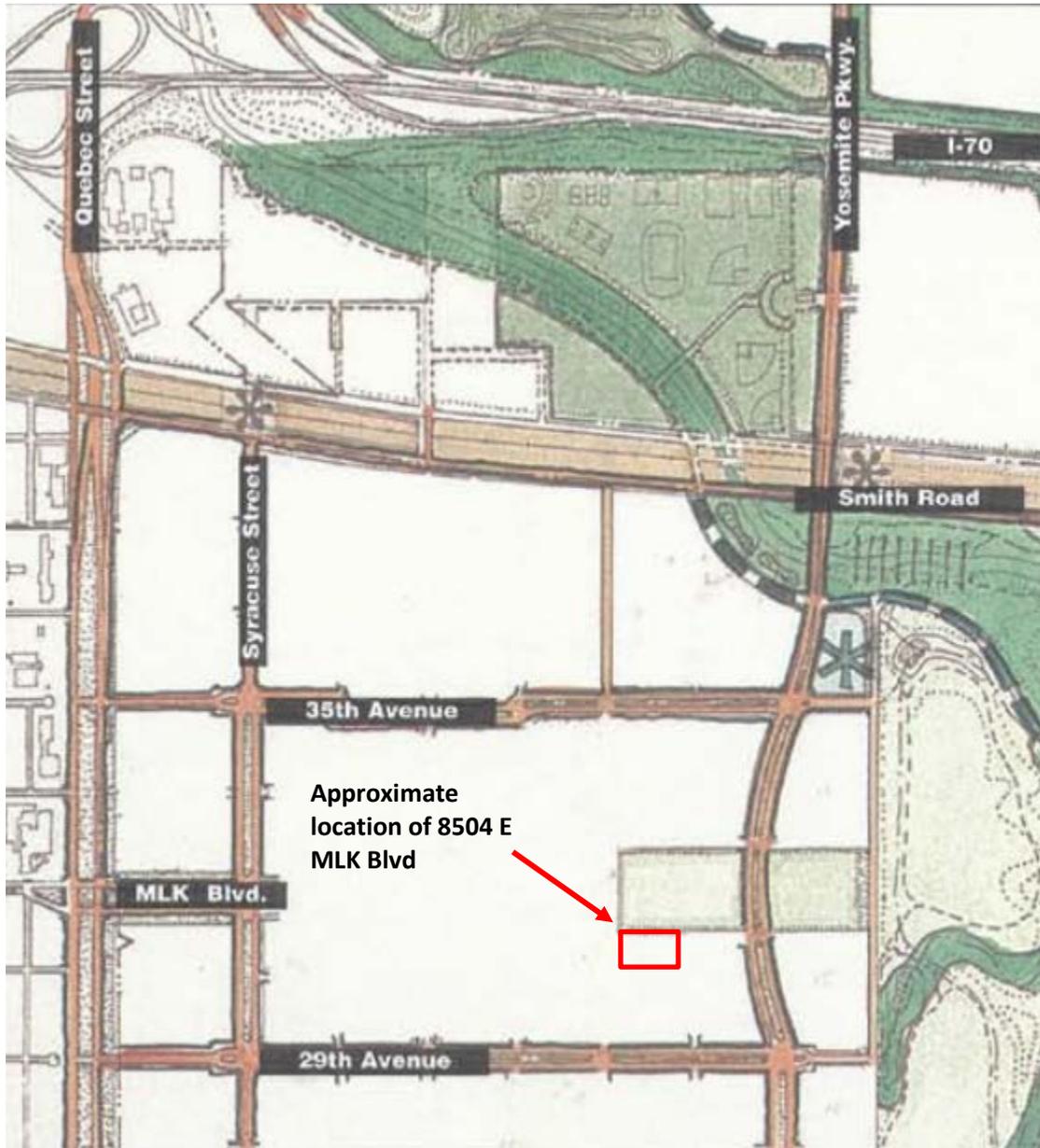
Blueprint Denver classifies Martin Luther King Jr. Blvd. and Central Park Blvd. as Mixed-Use Arterials. Blueprint Denver classifies 29th Place and Willow Street as Undesignated Local streets. According to Blueprint Denver, “arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” (p. 51). Mixed-Use streets are intended for “high-intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity” (p. 57). The proposed M-RX-5A zone district would allow residential mixed-use development at an intensity consistent with the intent of the Mixed-Use Arterial designations. Blueprint Denver describes Local streets as “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). The local streets here serve as connections from the arterials to this and surrounding properties, as intended by the plan.

Considering all the elements of plan direction from Blueprint Denver, staff finds the proposed rezoning is consistent with the intent of the plan. The proposed M-RX-5A zone district allows more intense development and more commercial use than would be appropriate for a Single Family Residential area if the zoning were applied across the whole area, but it can be appropriate when applied to individual parcels within the area to create variety in housing types and allow some commercial uses. The Mixed Use Arterial street classifications adjacent to the subject property make it an appropriate location for applying a more intense land use in the Single Family Residential area. Staff finds the request is consistent with the plan.

Stapleton Development Plan

The Stapleton Development Plan was adopted by City Council in 1995. The layout of streets and parks in Stapleton has not followed the development plan exactly, but the recommendations for the various districts within the development still apply. According to the plan, the subject property is in District II, which is intended for “predominantly employment land uses with residential areas adjacent to parks,”

“higher employment and residential densities throughout, particularly at major rail or street access points,” and “midrise housing adjacent to parks” (p. 5-44). The plan also calls for “buildings of two to four stories and higher density housing along Yosemite Parkway and the new urban park” (p. 5-46).



District II map from Stapleton Development Plan

The new urban park mentioned in the plan has been developed as Central Park, and Central Park Blvd. is the equivalent of the Yosemite Parkway described in the plan. The proposed M-RX-5A would allow mid-rise residential and commercial development at a major intersection and adjacent to Central Park. The zone district would allow structures up to five stories tall, one story greater than the four story

maximum recommended by the plan. However, on the whole, the proposed zoning is generally consistent with Stapleton Development Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to M-RX-5A 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 primarily through implementation of the city's adopted land use plan. It would also allow the development of a vacant parcel in a manner compatible with the surrounding established neighborhood, improving the safety and welfare of the area.

4. Justifying Circumstance

The application identifies changed conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The current zoning was adopted early on in the Stapleton redevelopment process and the buildout of the surrounding area has made a rezoning appropriate. The proposed M-RX-5A would allow development that is more compatible with the character of the surrounding neighborhood than the existing C-MU-20 zoning would. The proposed rezoning is justified in order to recognize the now-established character of the Stapleton neighborhood.

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

The requested M-RX-5A zone district is within the Master Planned Neighborhood Context. The neighborhood context is "intended for developing areas that will develop or redevelop in phases over an extended period of time into entirely new residential and mixed use neighborhoods covering multiple blocks." In the Master Planned context, "multi-unit residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial streets" (DZC Division 9.7). The subject property is in Stapleton, a multi-phase redevelopment of the type for which this context was intended. The proposed M-RX-5A would allow a mix of commercial and residential types adjacent to mixed-use arterials and local streets, consistent with the Master Planned Neighborhood Context description.

According to the zone district intent stated in the Denver Zoning Code, the M-RX-5A district "is intended to promote development of new neighborhoods of up to 5 stories in height" (DZC Section 9.7.2.2.C). The property in question is one of the few remaining undeveloped parcels in this portion of Stapleton and the proposed rezoning would allow development that would contribute to the completion of the new neighborhood. The rezoning request is consistent with the neighborhood context and zone district purpose and intent.

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Attachments

1. Application