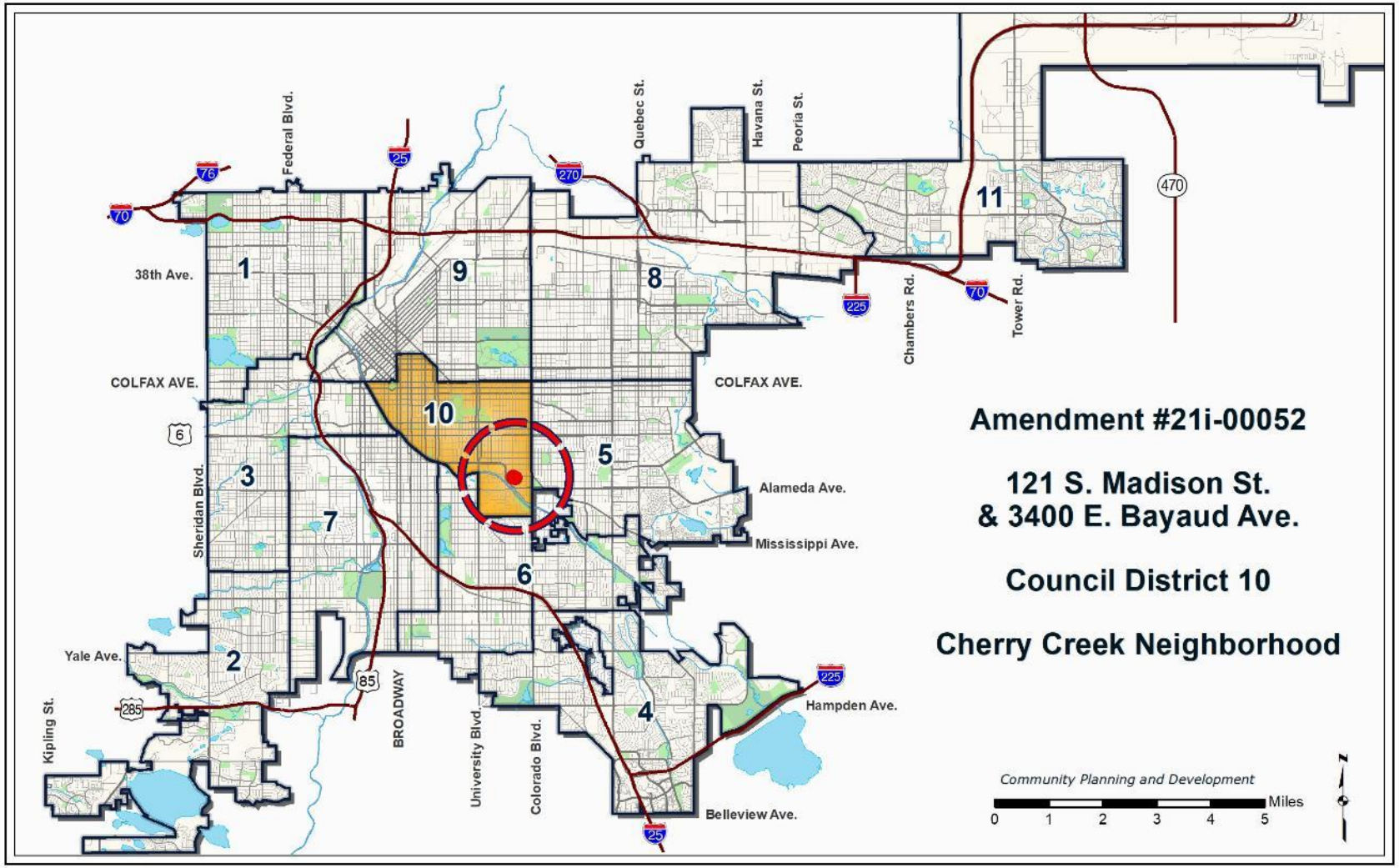
3400 E. Bayaud Ave. and 121 S. Madison St.

Request: C-MX-3 to G-RX-5

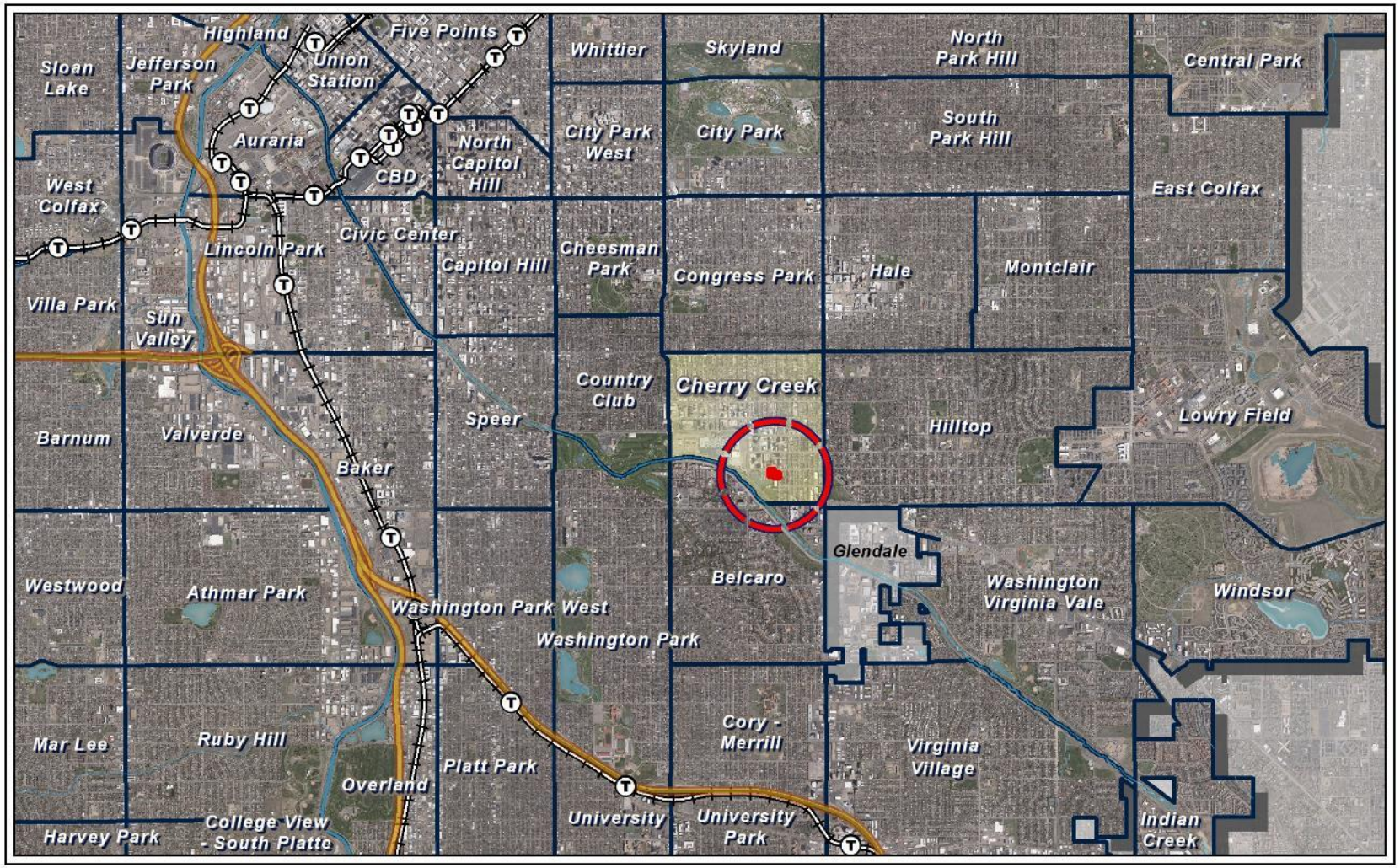
City Council: 9/26/2022

Case #: 2021i00052

Council District 10: Chris Hinds



Cherry Creek Neighborhood



Request: C-MX-3 to G-RX-5

Subject Property

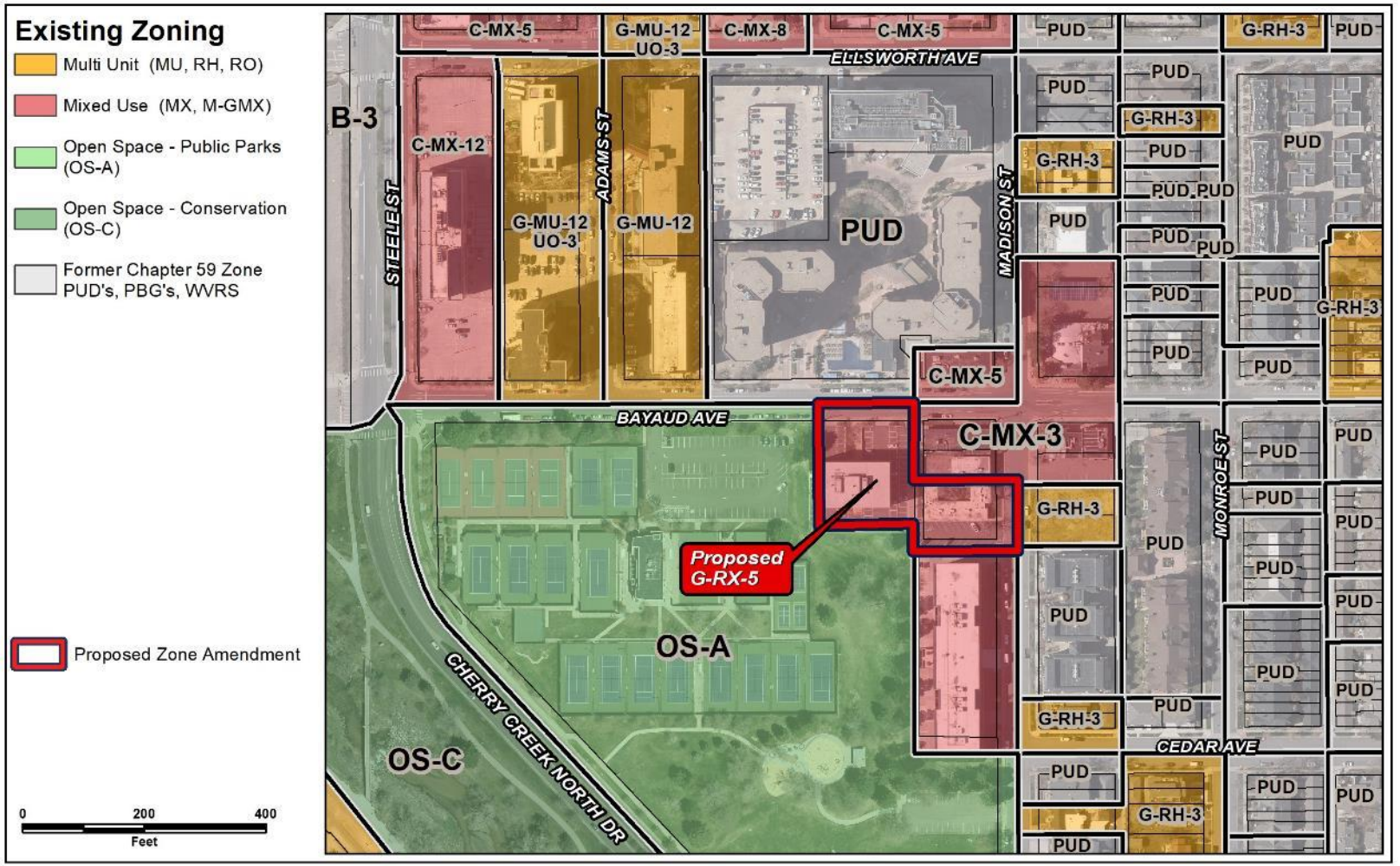
- Two commercial buildings
- Two and four stories
- 40,978 square feet or 0.94 acres

Proposal

- G-RX-5
  - Town House
  - Shopfront

Reminder: Approval of a rezoning is not approval of a proposed specific development project

Existing Zoning: C-MX-3



Existing Zoning

- C-MX-3

Surrounding Zoning

- C-MX-3
- C-MX-5
- C-MX-12
- G-RH-3
- G-MU-12
- OS-A
- PUD

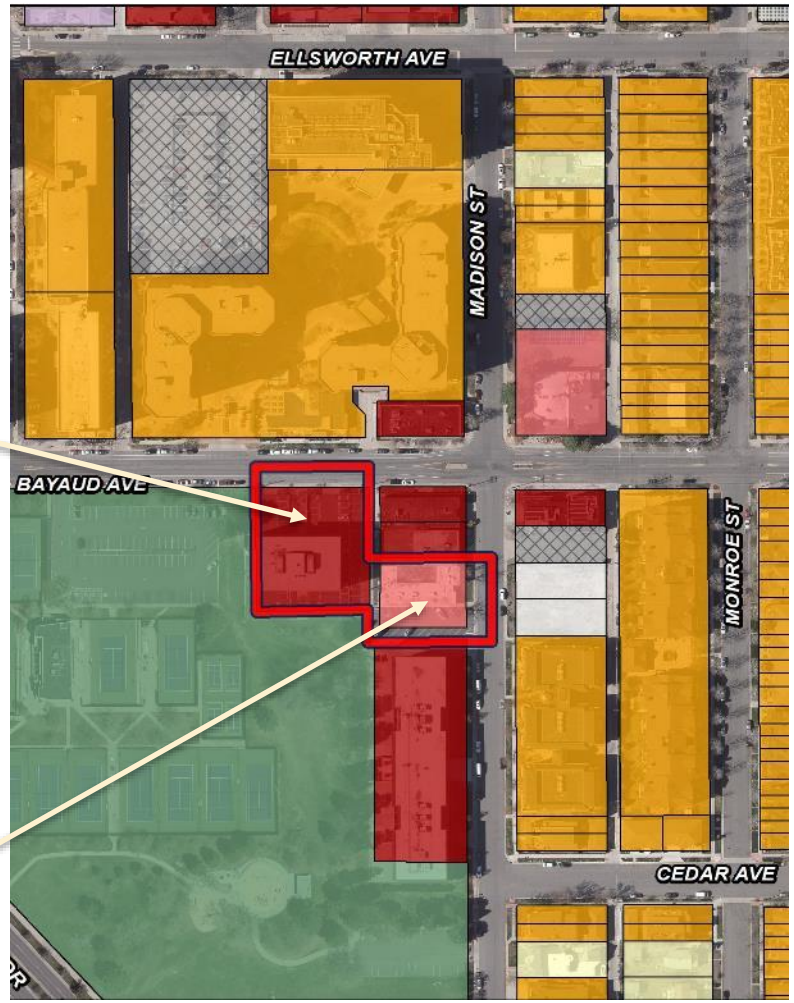
Zoning: C-MX-3 to G-RX-5

Design Standards	Existing C-MX-3	Proposed G-RX-5
Primary Building Forms Allowed	Town House, General and Shopfront; Drive Thru Services and Drive Thru Restaurant w/ limitations	Town House and Shopfront
Height in Stories / Feet (max)	3 stories / 38'-45'*	5 stories / 70'
Primary Street Build-To Percentages (min) and Ranges	Town House: 70% within 10'-15' General: 70% 0'-10' Shopfront: 75% 0'-10' Drive Thrus: 50% -70% within 0'-35'*	Town House: 70% within 10'-15' Shopfront: 75% 0'-10'
Primary Street Setbacks (min)	Town House: 10' All Other Forms: 0'	Town House: 10' Shopfront: 0'
Transparency, Primary Street	Shopfront: 60% All Other Forms: 40%	Town House: 40% Shopfront: 60%
Street Level Active Uses	Town House: 40% General: 40% Shopfront: 100% Drive Thrus: N/A	Town House: N/A Shopfront: N/A

Existing Context – Use/Building Form/Scale

Site (western)

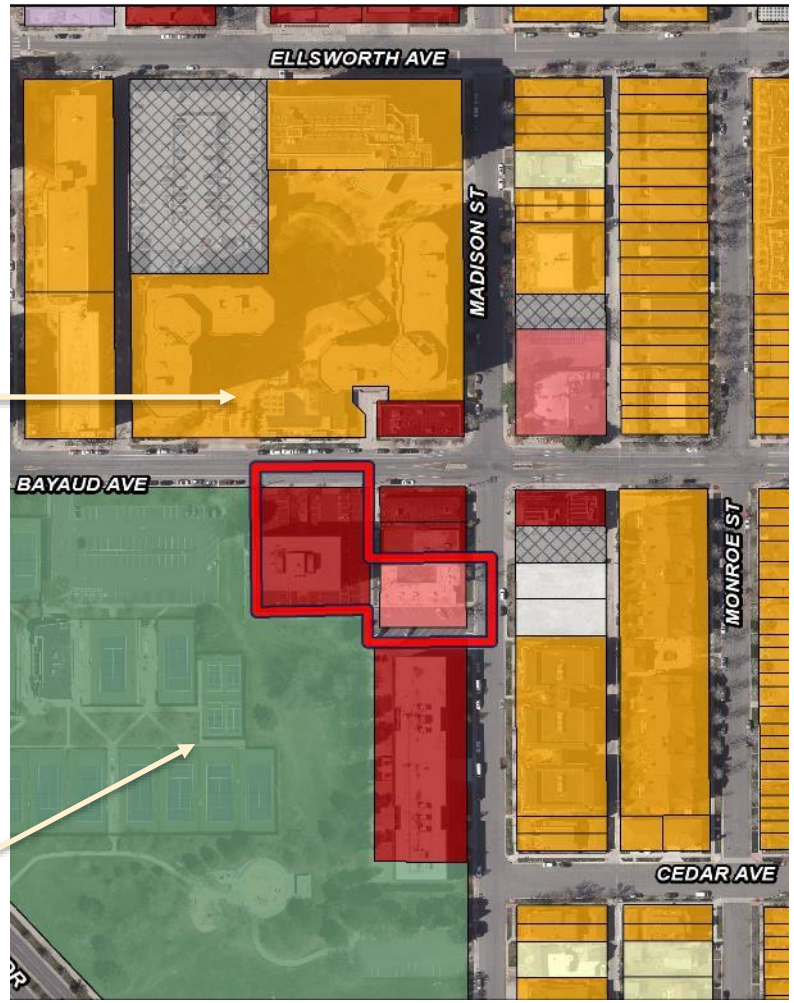
Site (southern)



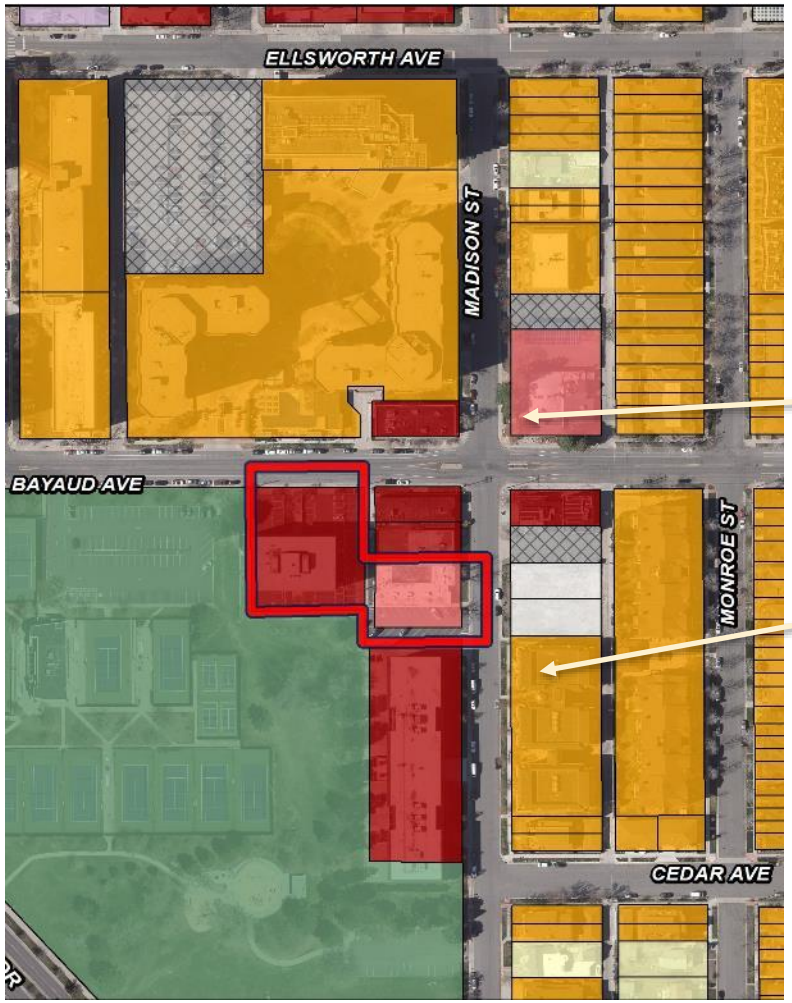
Existing Context – Use/Building Form/Scale

North

Southwest



Existing Context – Use/Building Form/Scale



Northeast

East

Process

- Informational Notice: 5/17/2022
- Planning Board Notice: 7/19/2022
- Planning Board Public Hearing: 8/3/2022
- LUTI Committee: 8/16/22
- City Council Public Hearing: 9/26/22
- Public Comment: 2 opposed, 12 support
  - CCEA Survey: 64% opposed

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

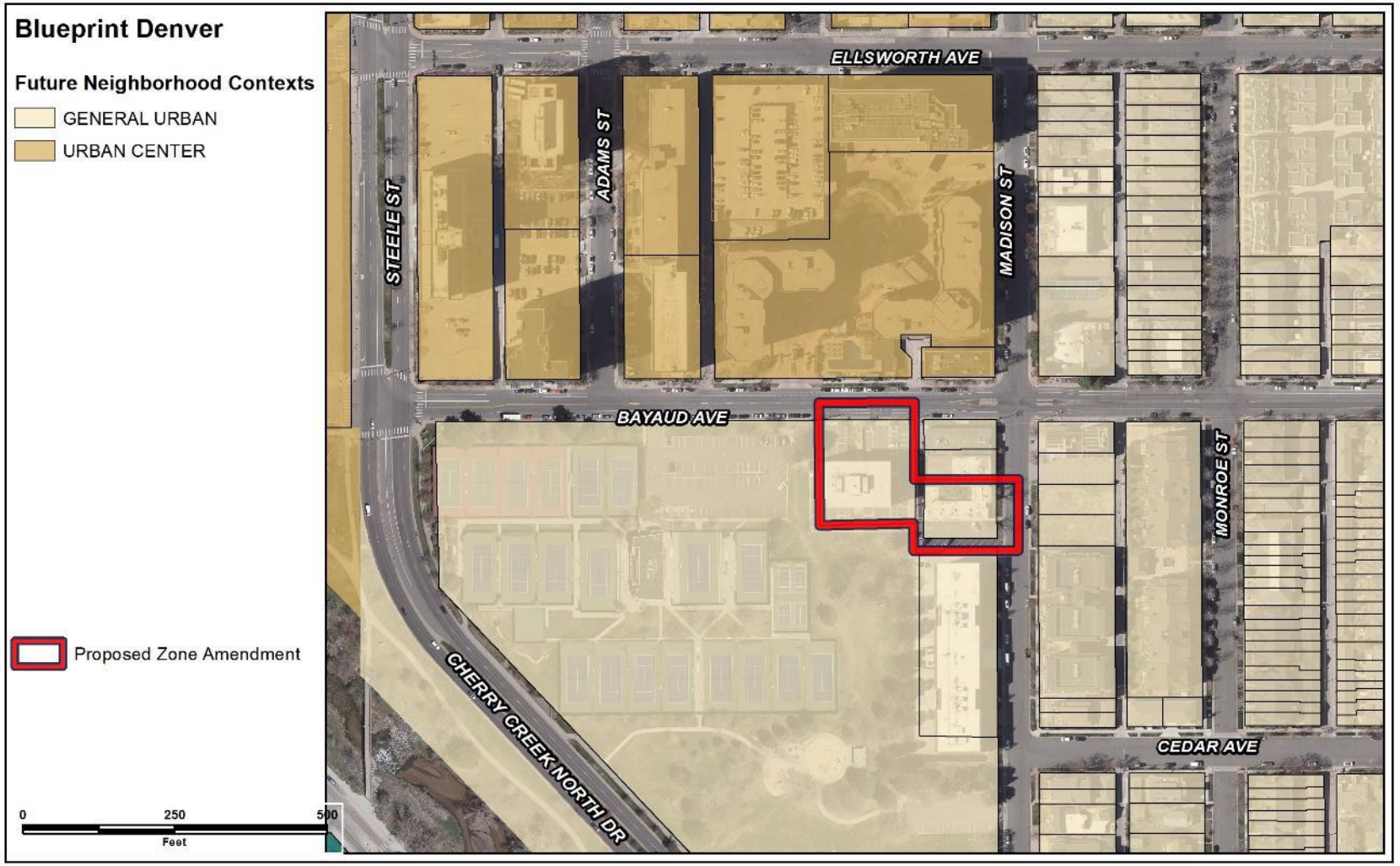
Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
   - *Comprehensive Plan 2040*
   - *Blueprint Denver*
   - *Cherry Creek Area Plan*
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Consistency with Adopted Plans: Comprehensive Plan

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place.
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors.

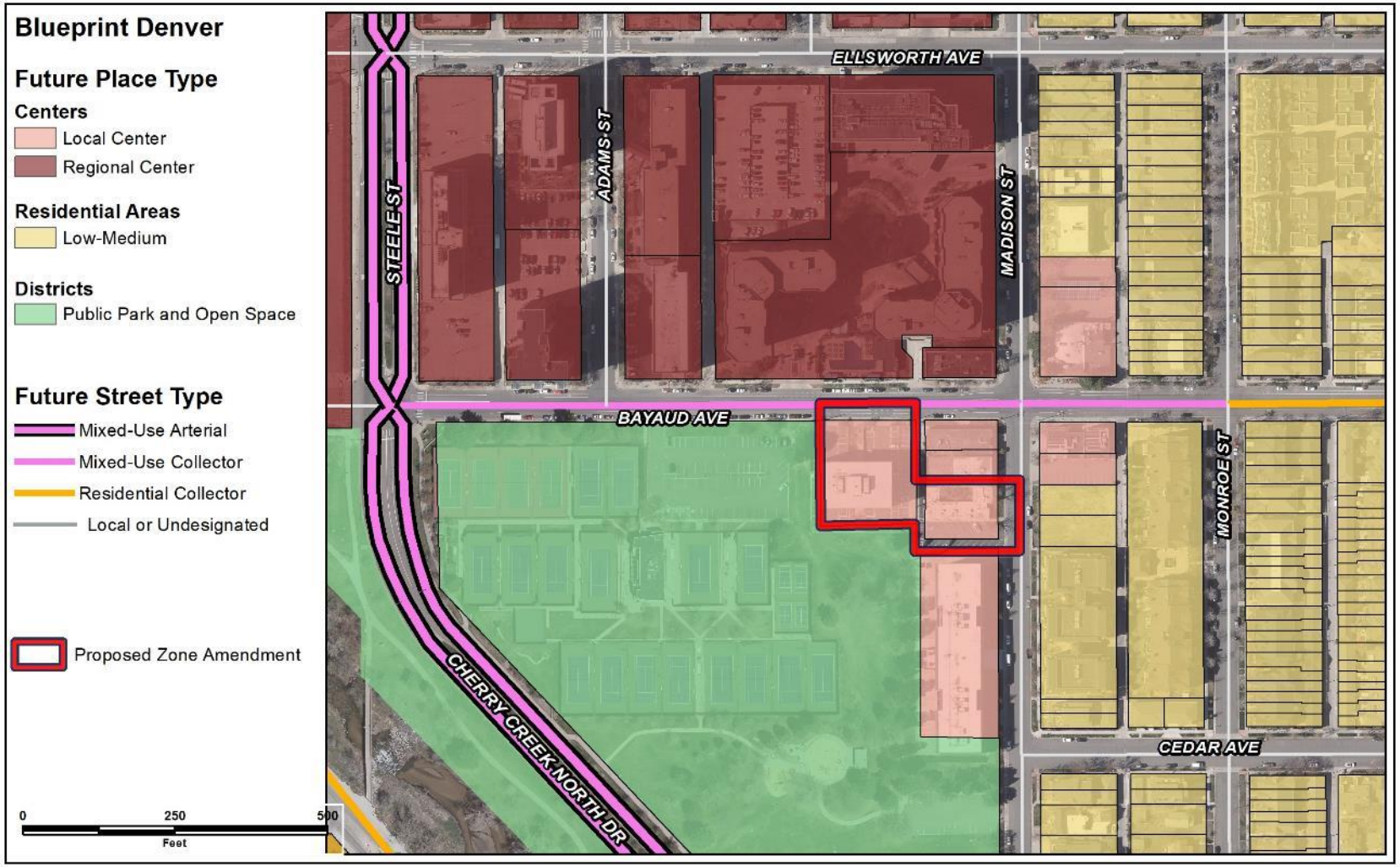
Consistency with Adopted Plans: Blueprint Denver



General Urban Future Neighborhood Context

- Homes vary from multi-unit complexes to single-unit homes
- A mix of uses, with good street activation and connectivity.
- Well served by transit with access to amenities and entertainment

Consistency with Adopted Plans: Blueprint Denver



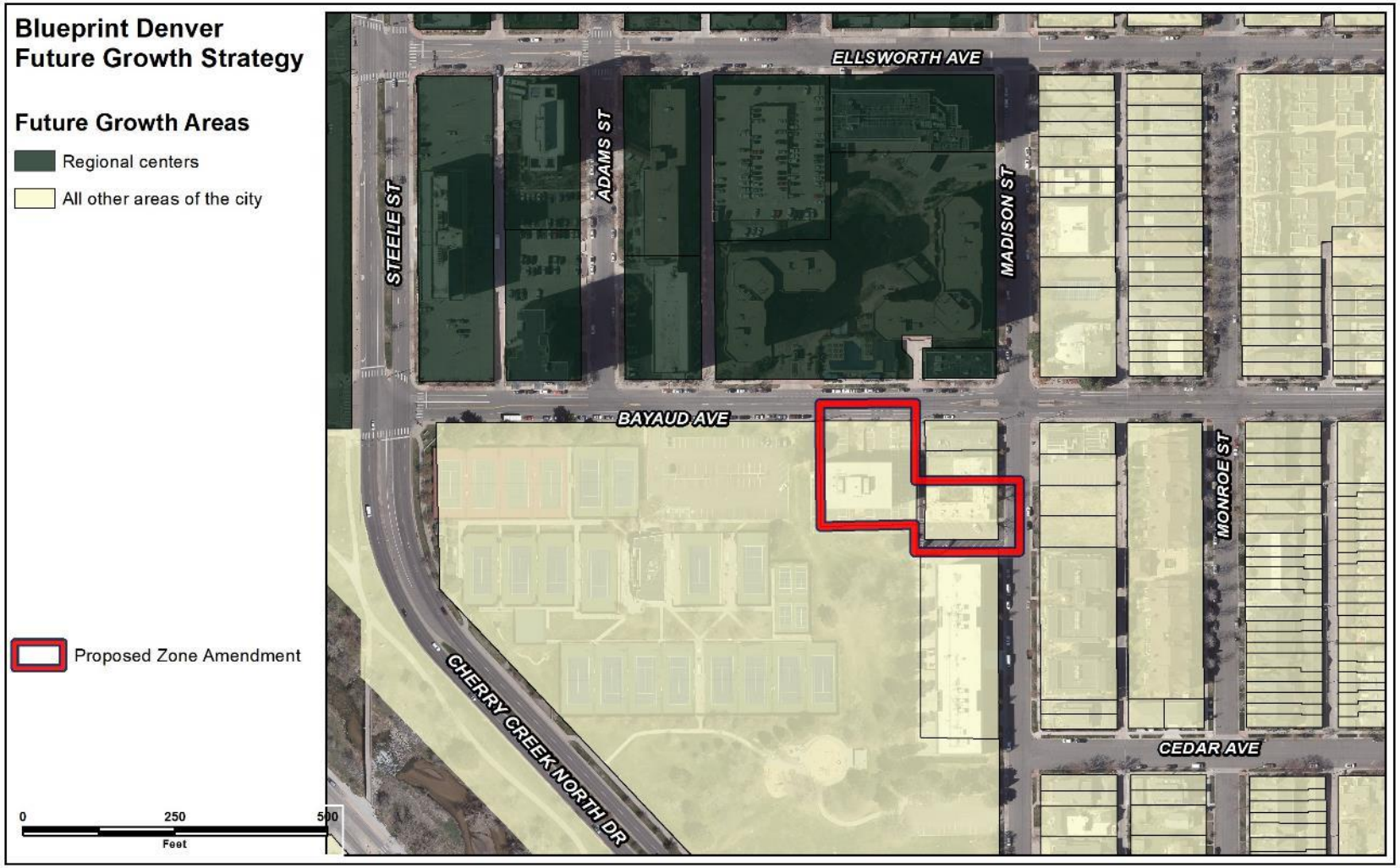
Local Center Future Place Type

- Primarily provides options for dining, entertainment and shopping.
- May also include some residential and employment uses.
- Heights are generally up to 5 stories. Should transition.

Future Street Type

- Mixed-Use Collector
- Local / Undesignated

Consistency with Adopted Plans: Blueprint Denver



All Other Areas of the City

- 10% of new employment
- 20% of new housing

Most growth is guided to regional centers, community centers and corridors, select districts and high and medium-high intensity residential areas. Other areas of the city are still expected to see some growth, however more limited.

Consistency with Adopted Plans: *Cherry Creek Area Plan*

Maximum building heights map - Cherry Creek East neighborhood

- 12 Stories
- 8 Stories
- 5 Stories
- 3 Stories
- Other subareas

Future land use map - Cherry Creek East neighborhood

- Regional Center
- Town Center
- Urban Residential
- Other subareas

Height: 3 stories

Town Center: mix of uses with ground floor commercial and office or residential above

Madison-Bayaud Village Center

- Small scale uses are encouraged
- Upgrade the streetscape
- Redevelopment occurring on the southwest corner should incorporate access to and visibility of Pulaski Park

Consistency with Adopted Plans: *Cherry Creek Area Plan*

- The Cherry Creek East subarea "supports a mix of residential and office uses and some of the highest residential and employment densities in all of Cherry Creek." (p. 70)
- "Madison Street serves to define two character areas: east of Madison Street is low- to medium-scale residential and west is a mid- to high-rise mixed-use area." (p. 70)
- **Respect the existing scale.** Enhance the existing pattern of development intensity with low scale buildings in the residential areas. Mid-rise buildings may be appropriate near Alameda and Colorado. The mixed-use area between Steele and Madison will remain the most intensely developed portion of the neighborhood, with building heights ranging from 5 to 12 stories, per the maximum building heights map.

Consistency with Adopted Plans: Height

Applying Blueprint Denver to Rezonings

Rezonings, also known as map amendments since they amend the city's official zoning map, change the zoning (or zone district) for a property. Zoning sets the rules for what is allowed on the property including the permitted uses and the height and form of buildings. All rezoning applications must be approved by city council, who evaluate the request against required criteria, including whether the proposed rezoning is consistent with the city's adopted plans. As an adopted plan, *Blueprint Denver* will play an important role in guiding rezoning decisions.

***Blueprint Denver* components to consider in rezoning requests:**

Always Applicable

Neighborhood Context

When a new zone district is proposed for a site, the neighborhood contexts map and description should be used to guide which zone districts are appropriate. The mapping of neighborhood context is at the citywide scale, so the boundaries of the contexts may be interpreted with limited flexibility if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the neighborhood contexts map. However, neighborhood context should be consistent across an area and should generally not vary at the parcel level.

See the neighborhood contexts map in Chapter 4 and the neighborhood context descriptions in Chapter 5.

Place

The proposed zone district for a site should be consistent with *Blueprint Denver's* guidance for the future place. This includes:

Places map

The future places map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district. Since it is a citywide map, the boundaries of the mapped places should be interpreted with limited flexibility, especially at edges, if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the places map.

See the future places map in Chapter 4.

Places descriptions

The place descriptions include information about land use and built form that provide helpful guidance for evaluating a proposed new zone district.

See the places descriptions in Chapters 4 and 5.

Building Heights

Blueprint Denver is a citywide plan, and therefore cannot provide specific detailed guidance on all aspects of a place. Small area plans will provide more certain height guidance through maps of proposed building height.

The building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. For example, there may be times when building heights taller than specified are appropriate, such as a site immediately adjacent to a transit station. Alternatively, the tallest building heights may not make sense where a site is providing a transition between a higher intensity area to a lower intensity area. Factors to consider when applying *Blueprint Denver* building height guidance may include:

- Guidance from a current small area plan
- Surrounding context, including existing and planned building height
- Transitions, including transitions from higher intensity to lower intensity areas
- Adjacency to transit, especially mobility hubs
- Achieving plan goals for community benefits, including affordable housing
- Furthering urban design goals

Growth strategy

Certain future places are anticipated to take on more jobs and housing than others, but all areas of Denver are expected to evolve. A rezoning in an area planned for less growth may still be appropriate, as smaller-scale growth and reinvestment should be occurring in these areas as well.

See the growth strategy and related map in Chapter 2.

Street Type

Street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development. This includes:

Street types map

The street types map should be used to identify the street types that serve the site to be rezoned.

See the street types map in Chapter 4.

Street type descriptions

The street types descriptions convey key characteristics of different streets and can inform the types of zone districts that would best align with the desired land use and built form characteristics of the street.

See the street types descriptions in Chapter 4 and Chapter 5.

Sometimes Applicable

Plan Policies and Strategies

Most of the plan recommendations (organized into policies and strategies in Chapter 3) are intended to inform implementation through amendments to the zoning code and large area rezonings. These are effective tools for implementing plan recommendations at a large-scale with bigger impact. However, there may be recommendations that are relevant to a specific rezoning request. For example:

- Rezoning requests for sites that are former institutional uses, such as a school or church embedded in a residential neighborhood, may find helpful guidance in Land Use and Built Form: General, policy 6.
- Rezoning requests to enable an accessory dwelling unit may find helpful guidance in Land Use and Built Form: Housing, policy 4.

See recommendations in Chapter 3.

Equity Concepts

Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above, they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings.

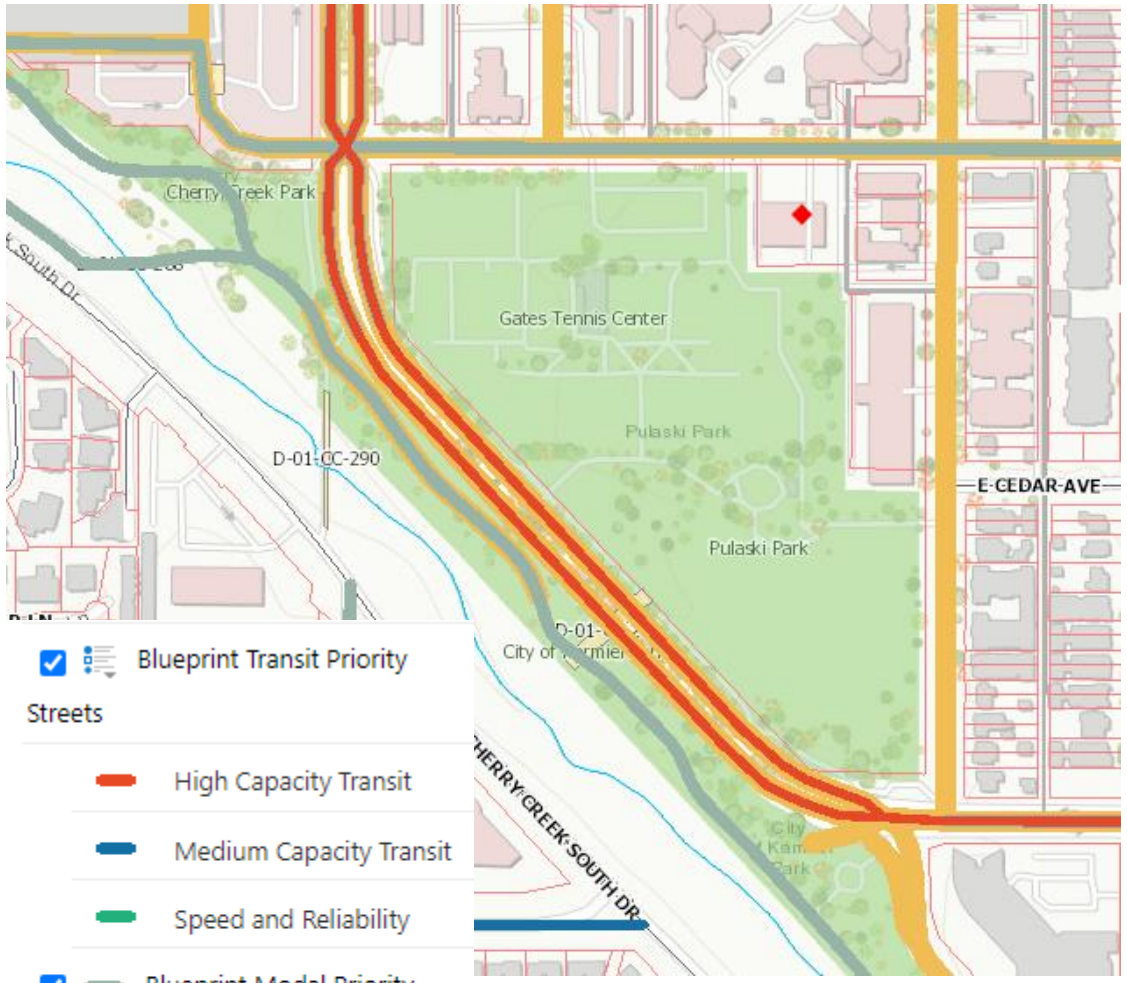
In addition, the city should consider adjustments to the applicant-driven rezoning process to better address important topics revealed by these concepts—including housing choice, affordability and mitigating involuntary displacement.

See more in Chapter 2.

Consistency with Adopted Plans: Height

1. Guidance from a current small area plan
2. Surrounding context, including existing and planned building height
3. Transitions, including transitions from higher intensity to lower intensity areas

Consistency with Adopted Plans: Height



4. Adjacency to transit, especially mobility hubs
5. Achieving plan goals for community benefits, including affordable housing
6. Furthering urban design goals

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
   - Changing conditions, adopted plan
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

CPD Recommendation

CPD recommends approval, based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent