Denver Planning Board
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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.

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