4850 N Federal Blvd.

Request: from B-3 and P-1 to E-CC-3x

Date: 1.8.24

Presenter: Libbie Glick

Presentation Agenda

- Request
- Location and Context
- Process
- Review Criteria

Request: from B-3 and P-1 to E-CC-3x

- Property:
  - 49,53sf or 1.13 acres
  - Existing vacant structure
- Rezone from B-3 and P-1 to E-CC-3x
- Requesting rezoning so they can construct a drive-thru restaurant

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

Presentation Agenda

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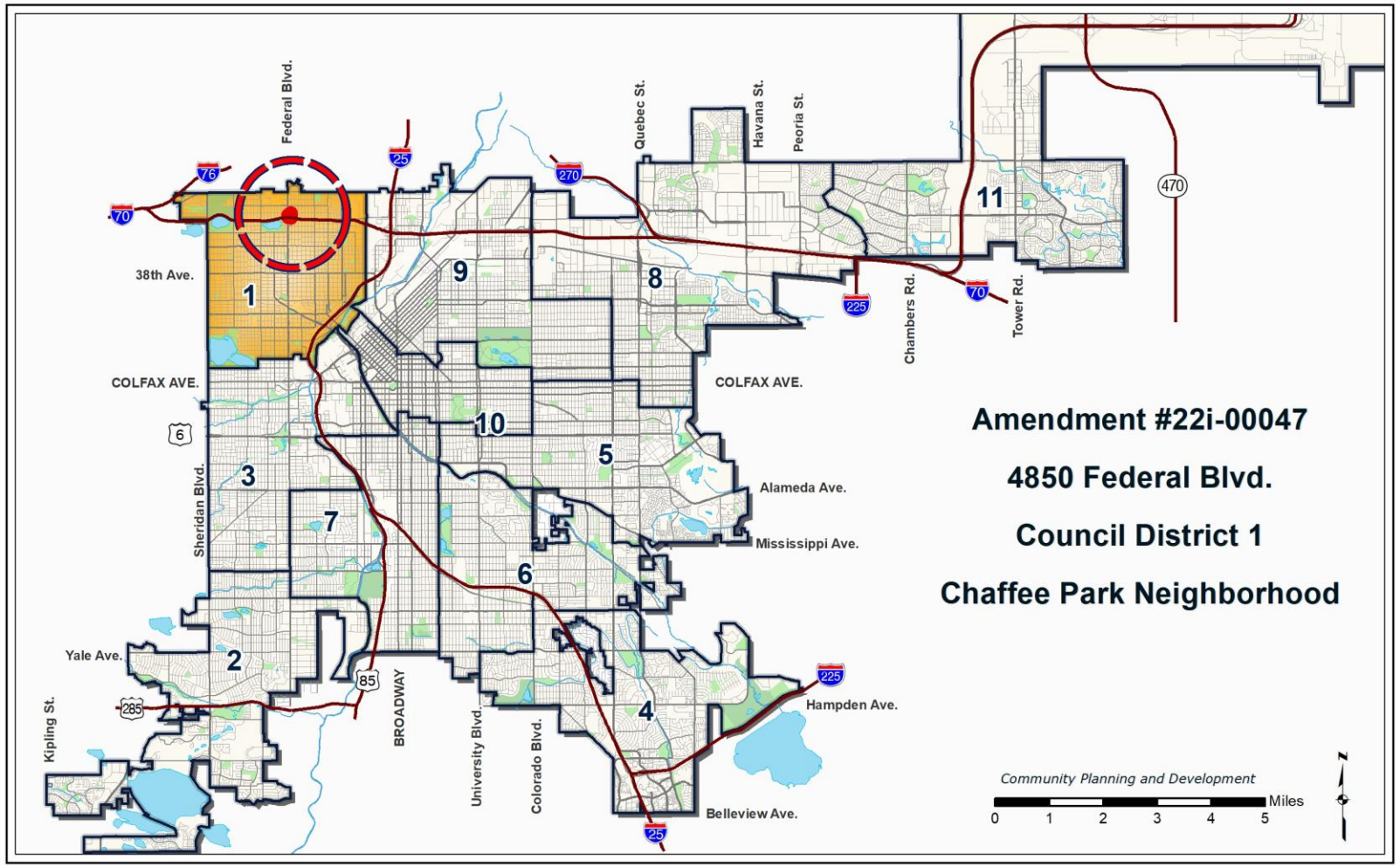
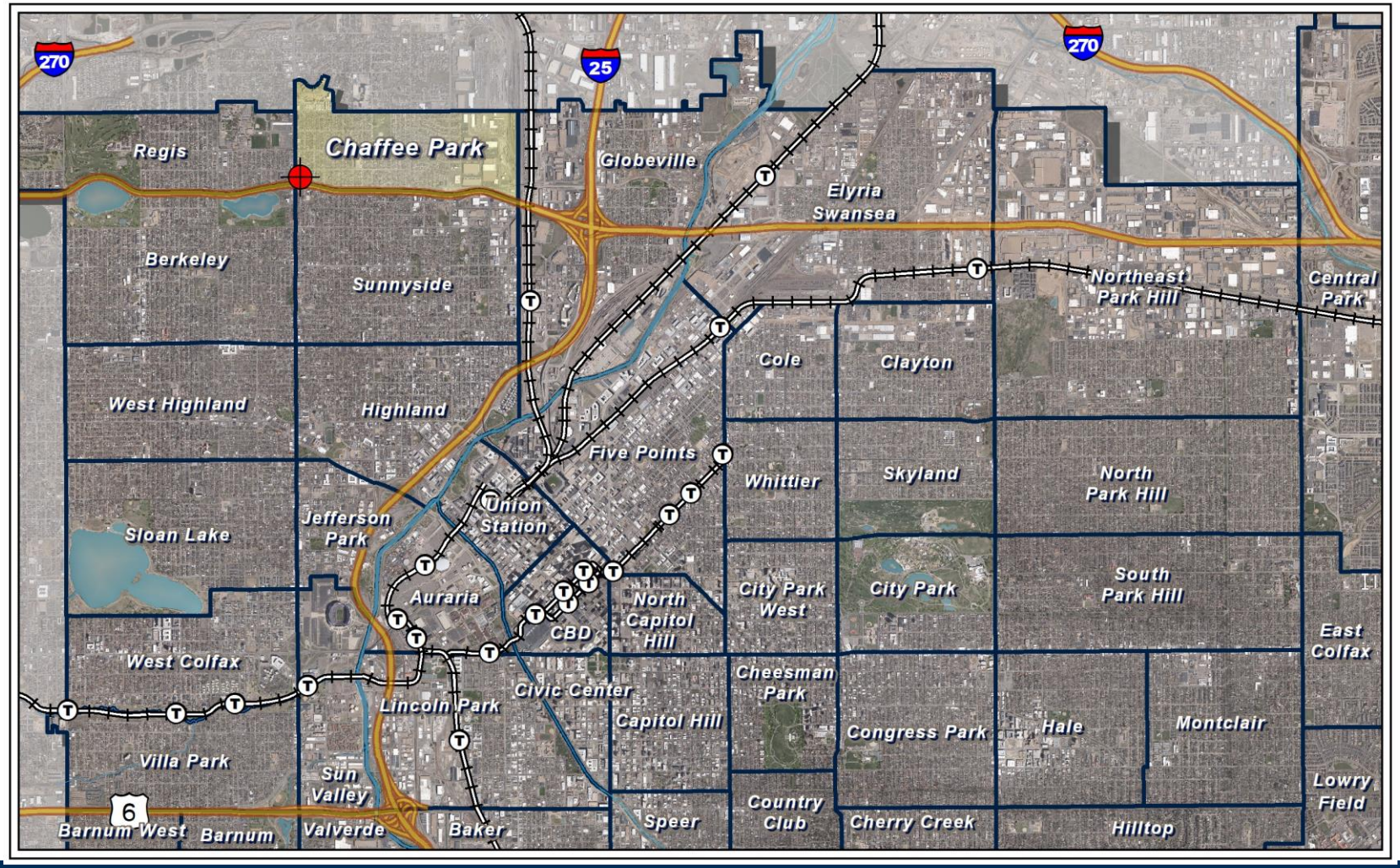
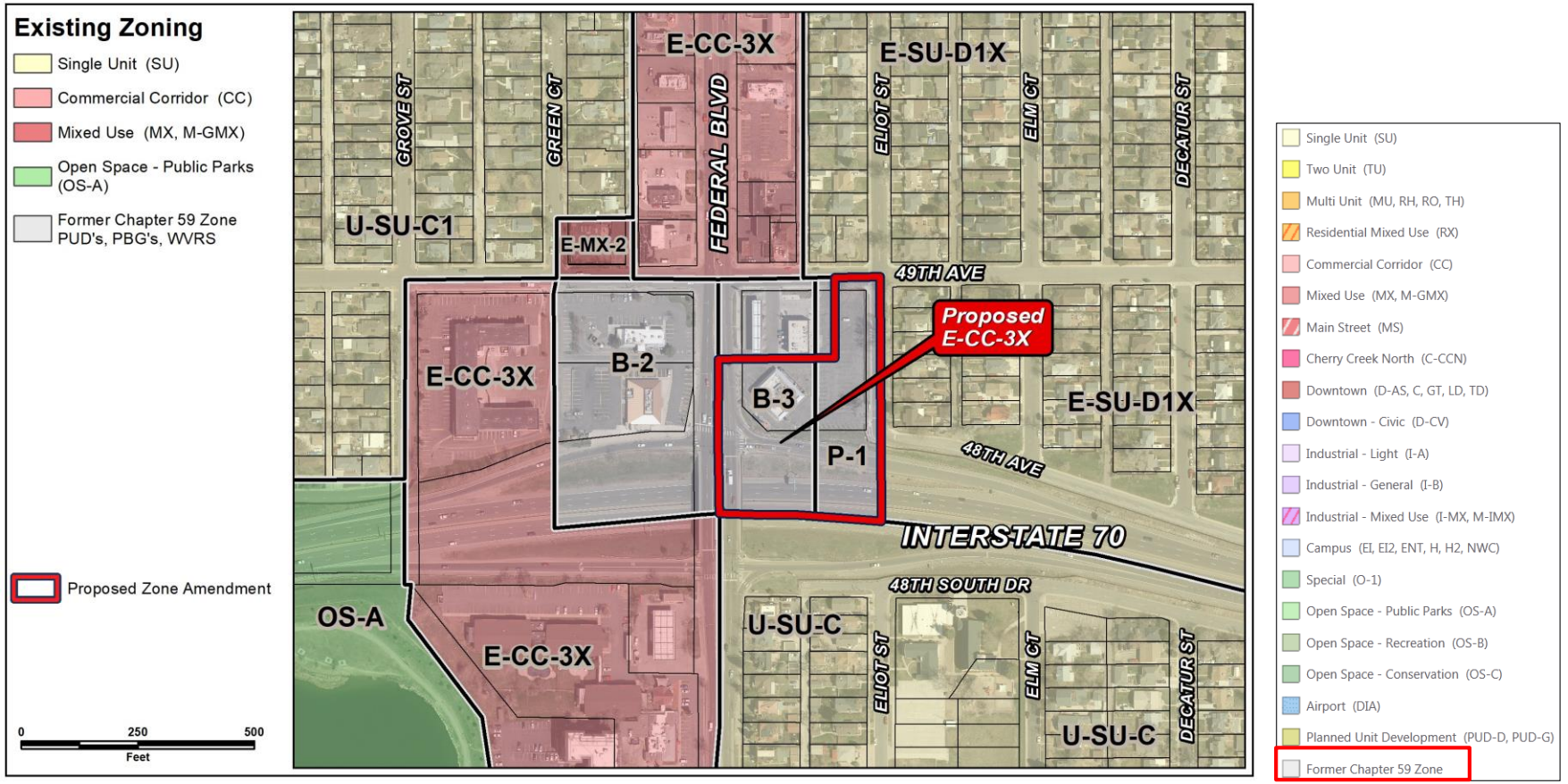
Council District 1 – Councilmember Sandoval



Statistical Neighborhood – Chaffee Park



Existing Zoning – B-3 and P-1



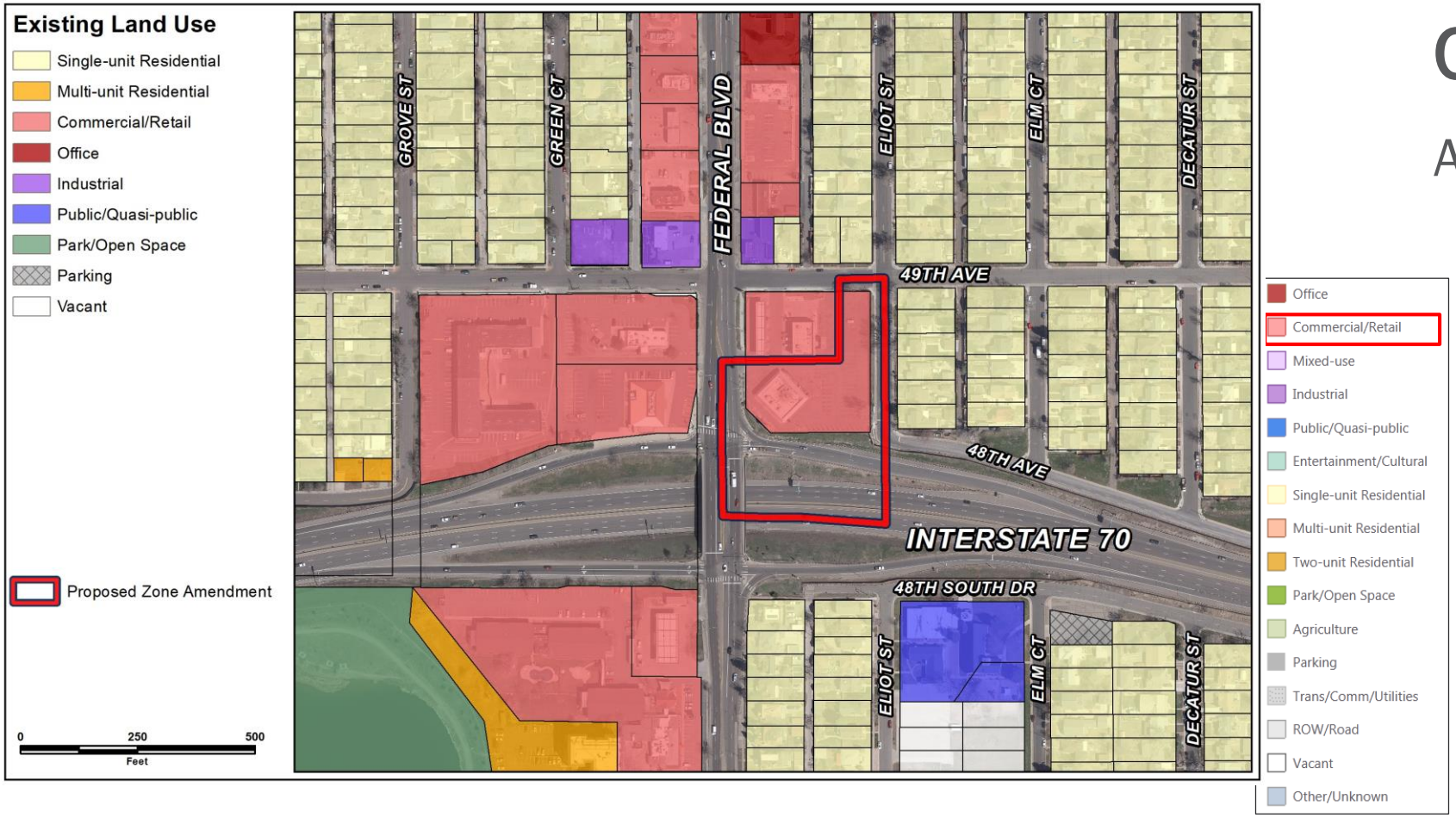
B-3 and P-1

- Former Chapter 59 districts
- Shopping center and parking districts

Proximity to:

- B-3
- E-SU-D1x
- U-SU-C
- E-CC-3x

Existing Context – Land Use

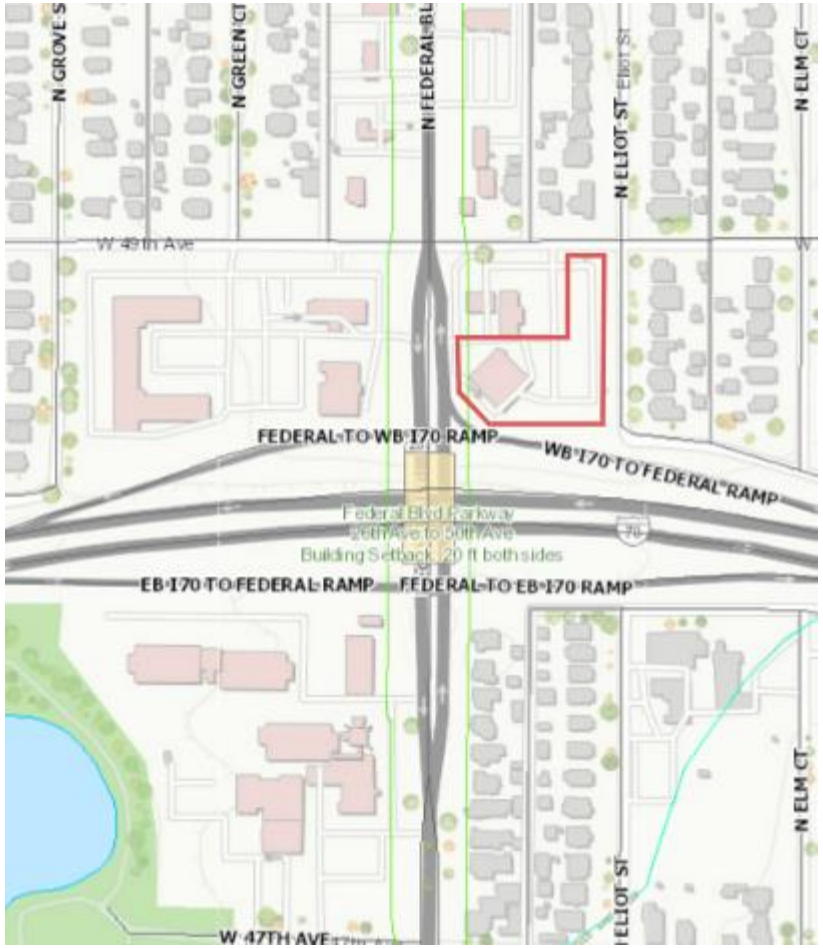


Commercial/Retail

Adjacent to:

- Single-unit residential
- Industrial
- Commercial/retail

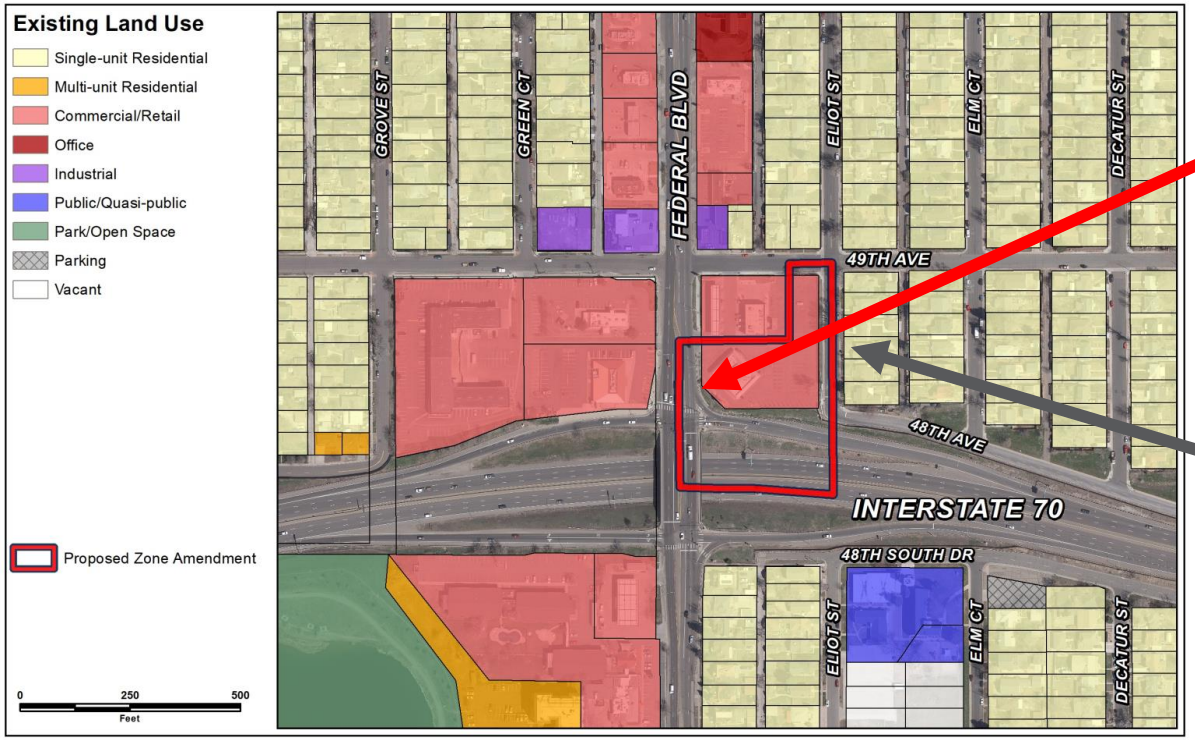
Existing Context – Parkway



Federal Boulevard Parkway

- 20-foot setback from the parkway required

Existing Context – Building Form/Scale



Agenda

- Request
- Location and Context
- Process
- Review Criteria

Process

- Informational Notice: **8/1/2022**
- Planning Board Notice: **9/19/23**
- Planning Board Public Hearing: **10/4/23**
- LUTI Committee: **10/17/23**
- City Council Public Hearing: **1/4/24**

Public Comments

- RNOs
  - Chaffee Park RNO, Berkeley Regis United Neighbors, Sunnyside United Neighbors Inc., Unite North Metro Denver, and Denver INC
  - Chaffee Park submitted a letter in opposition
- Seven comments from neighbors and other stakeholders
  - One in support cited desire for more density and retail options
  - Six in opposition cited concerns with another fast food drive thru restaurant and the pollution it may cause

Planning Board

- Planning Board held a hearing on this item on October 4
- The board voted unanimously to recommend approval of the rezoning
- Neighbors have expressed concerns with auto-oriented development in Near Northwest Plan. PB was frustrated they could not take this into consideration because the plan is not yet adopted
- Difficult to not consider the project when PB knows the outcome is a drive thru restaurant. There's no mechanism to consider health, safety and welfare in the site development review process

Presentation Agenda

- Request
- Location and Context
- Process
- Review Criteria

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*
   - *Federal Boulevard Corridor 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

Comprehensive Plan 2040

Comprehensive Plan 2040

- *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)*
- *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).*

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
   - *Comprehensive Plan 2040*
   - *Blueprint Denver (2019)*
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
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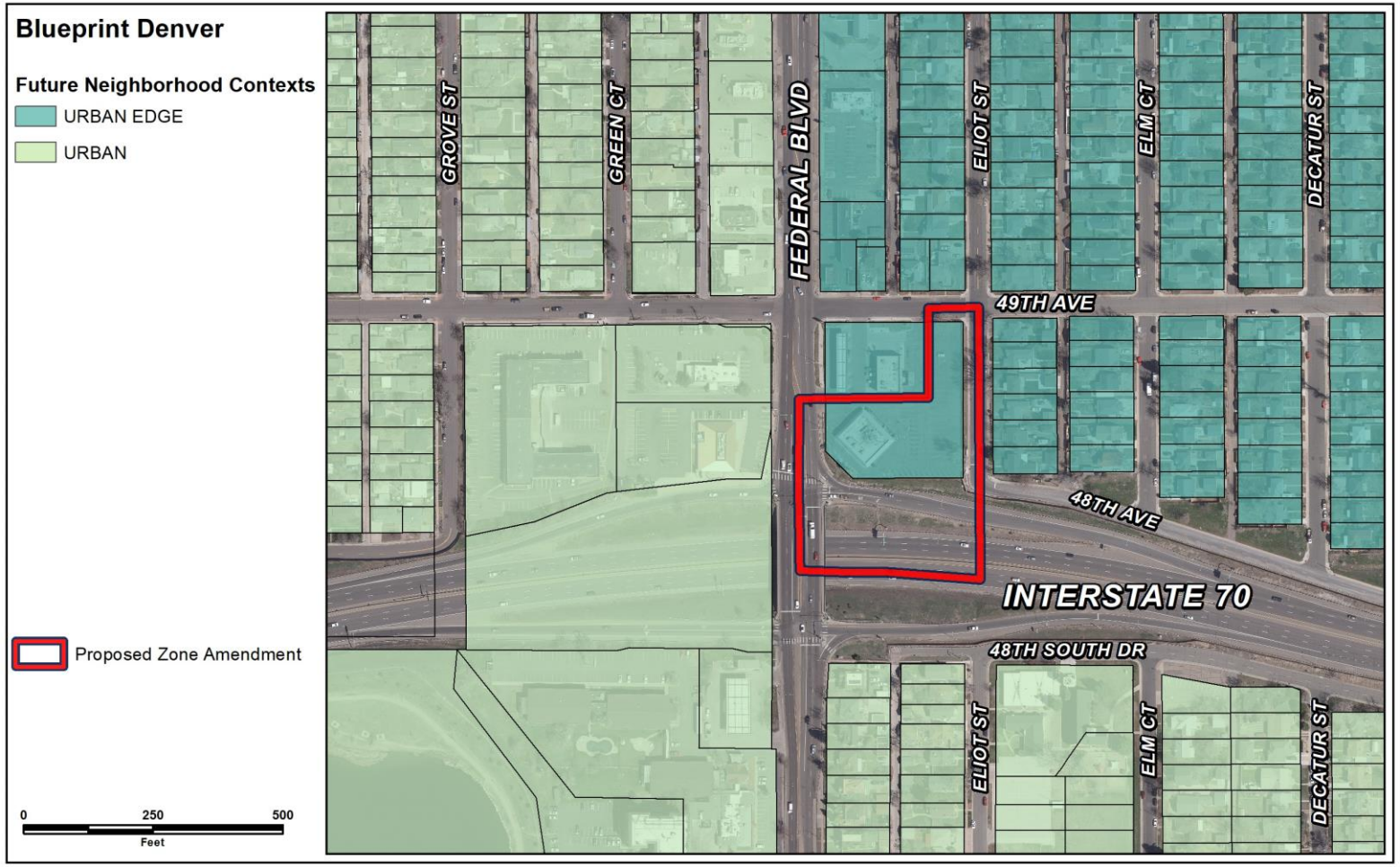
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

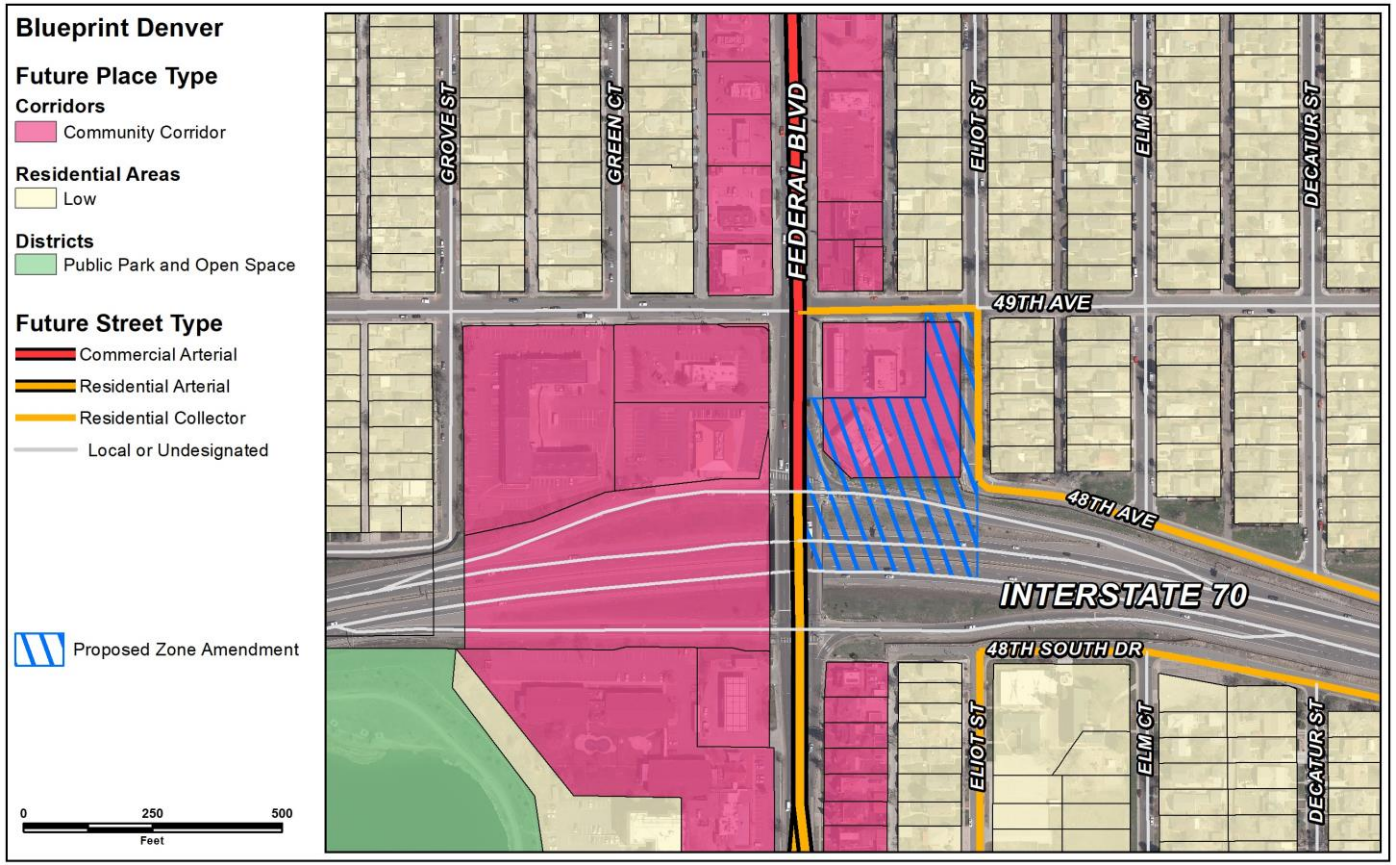
Blueprint Denver 2019



Urban Edge

- Contains elements of the Suburban and Urban contexts
- Typically, 1- and 2-unit residential areas with embedded commercial areas

Blueprint Denver 2019



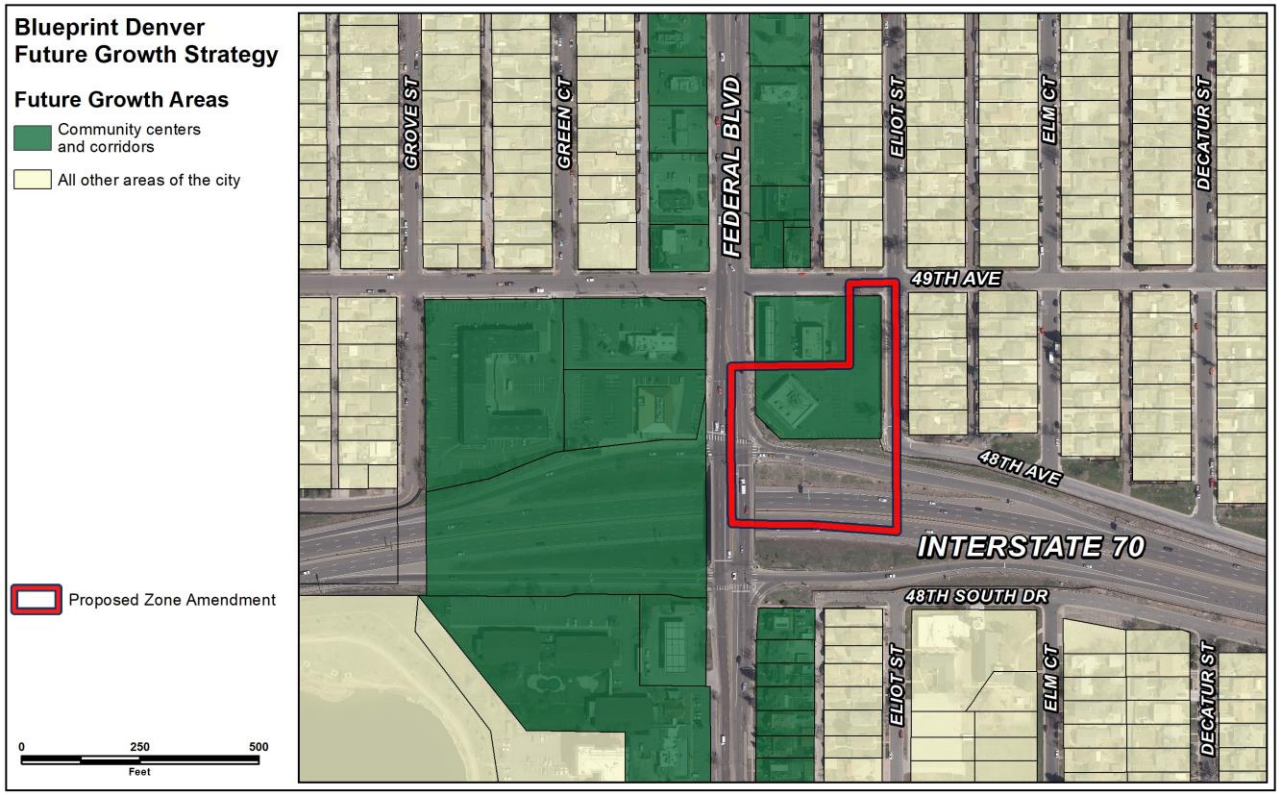
- Community Corridor
  - Typically provides some mix of office, commercial and residential.
  - A mix of larger and smaller scale buildings, some setback form the street to accommodate parking.

- Federal Blvd: Commercial Arterial
  - Typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with on-site parking.

- W 49th Ave and Eliot: Residential Collector
  - Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

Evaluation is based on the proposed zone district is consistent with the Future Street Classification, not to assess the traffic impacts of a specific development proposal.

Blueprint Denver 2019



- Growth Areas Strategy
  - Community Centers and Corridors
    - 20% of new jobs and 25% of new housing by 2040
- 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.

Blueprint Denver 2019

Blueprint Strategies

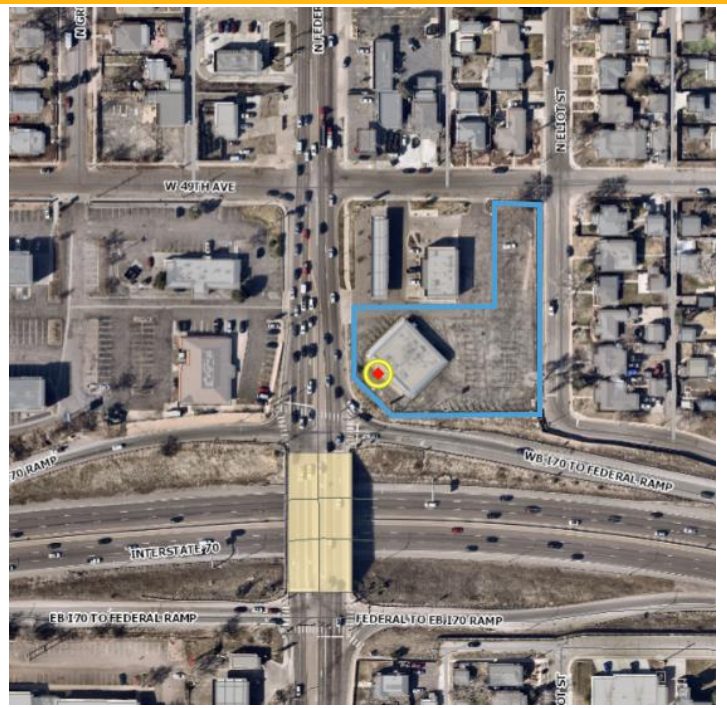
- Land Use & Built Form: General, Policy 3 – Rezone properties from the Former Chapter 59 zoning code so that they entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code
- Land Use & Built Form: Design Quality & Preservation – Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors
- Land Use & Built Form: Design Quality & Preservation – Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places
- Land Use & Built Form: Design Quality & Preservation – 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.

DRIVE THRU RESTAURANT

APPLICABILITY	All E-CC, E-MX, E-MS
	Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform

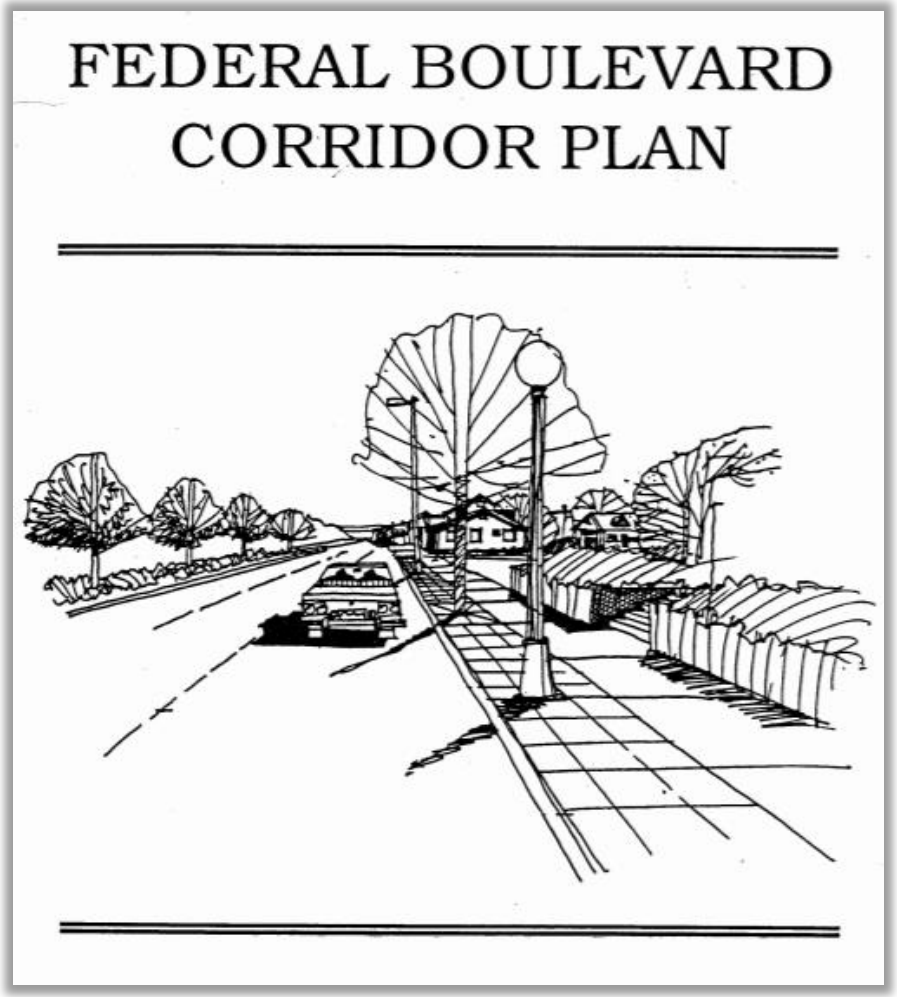
HEIGHT	E-CC-3, -3x	E-MX-2, -2A, E-MS-2	E-MX-3, -3A E-MS-3, -5
Stories (max)	3	2	3
Feet (max)	45′	30′	45′

SITING	E-CC-3, -3x	E-MX-2 -2A, -3, -3A E-MS-2 -3, -5
REQUIRED BUILD-TO		
Primary Street (min % within min/max)	50% 0′/80′	50% 0′/35′
Side Street (min % within min/max)	na	50% 0′/18′
SETBACKS		
Primary Street (min)	0′	0′
Side Street (min)	0′	0′
Side Interior (min)	0′	0′
Side Interior, adjacent to Protected District (min)	10′	10′
Rear (min)	0′	0′
Rear, adjacent to Protected District, alley/no alley (min)	0′/10′	0′/10′
PARKING		
Surface Parking between building and Primary Street/Side Street	Allowed/Allowed	Not Allowed/Not Allowed
Drive Thru Lane between building and Primary Street/Side Street	Allowed/Allowed	Allowed/Allowed
Drive Thru Lane Width (max)	na	12′
Drive Thru Screening	na	Garden Wall, following the standards of Section 10.5.4.4



Both W 49th Ave and Eliot St are considered Side Streets

Small Area Plan



- Properties between Speer and West 38th Avenue, between West 38th and 44th Avenues, and between West 44th Avenue and I-70 have a strong residential character with some prominent churches and schools. Small commercial uses occur at many intersections. Streetscape quality in residential, park and institutional areas has generally been well preserved with both attached and detached sidewalks and consistent landscaping. In some locations attached walks are wide enough to add street trees in grates. Other areas, including residential sections north of 44th would require relocating the attached sidewalk in order to create the standard tree lawn configuration. Steep front lawn slopes would make this difficult and extremely disruptive to what is otherwise an attractive streetscape.

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
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5. Consistency with Neighborhood Context, Zone District Purpose and Intent

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
     - That the city adopted the Denver Zoning Code and the property retained Former Chapter 59 Zoning
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
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4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Consistency with Neighborhood Context, Purpose and Intent

Urban Edge

- A mix of the Urban and Suburban contexts
- Commercial areas are typically embedded in commercial areas

Commercial Corridor

- Balance need for safe, active, and pedestrian-scaled, diverse areas with need for convenient automobile access

E-CC-3x

- E-CC-3x applies primarily to auto-oriented arterial street corridors where a building of 1 to 3 stories is desired with less intense uses than E-CC-3

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